



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**NO NATION IS HOME ALONE: UNDERSTANDING THE  
INTERNATIONAL DIMENSION OF HOMELAND  
SECURITY THROUGH GLOBAL TRANSPORTATION  
SECURITY PROGRAMS**

by

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March 2016

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**NO NATION IS HOME ALONE: UNDERSTANDING THE INTERNATIONAL  
DIMENSION OF HOMELAND SECURITY THROUGH GLOBAL  
TRANSPORTATION SECURITY PROGRAMS**

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## **ABSTRACT**

Terrorist actors focus on the global transportation system to introduce threats and target attacks. As the lead department for securing the transportation system into the United States, the Department of Homeland Security (DHS) works both domestically and internationally to implement programs and foreign assistance activities to secure the global transportation network. This thesis examines DHS' international role by analyzing programs and policies implemented by its three largest global transportation agencies: the U.S. Customs and Border Protection Agency, the Transportation Security Administration, and the U.S. Coast Guard. Due to the breadth of DHS programs and activities, their stated goals and objectives, and their legal mandates, this thesis determines that a U.S. foreign assistance framework provides minimal insight into DHS' international footprint. Instead, this research developed a simple model for understanding the primary components of DHS' international mission space and identified operations, policy, outreach and engagement, and training and technical assistance as core concepts in DHS' international mission. Using this model, DHS can pursue the additional recommendations developed in this thesis—applying systems theory as a basis for an international transportation security strategy as well as pursuing direct funding for its international transportation programs and activities as a fully integrated department—within the traditional U.S. foreign policy and national security institutions.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

CBP	U.S. Customs and Border Protection Agency
CD	capacity development
CSI	Container Security Initiative
DHS	Department of Homeland Security
DOD	Department of Defense
DOS	Department of State
FAAP	Foreign Airport Assessment Program
FMS	Foreign Military Sales
FY	fiscal year
GAO	Government Accountability Office
IAP	Immigration Advisory Program
IED	improvised explosive device
IIR	International Industry Representative
IMO	International Maritime Organization
ISPS	International Ship and Port Facility Security
MTSA	Maritime Security Act
OGS	Office of Global Strategies
OIA	Office of International Affairs
SFI	Secure Freight Initiative
TSA	Transportation Security Administration
TSAR	Transportation Security Area Representative
UNDP	United Nations Development Program
USAID	United States Agency for International Development
USC	United States Code
USCG	U.S. Coast Guard
USG	U.S. government

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I embarked on this journey eighteen months ago at NPS in order to bring my previous academic work in international development and security together with my twelve years of professional experience in transportation and homeland security. I never envisioned what the true outcome of the program would be, how the challenges of learning new skills and time management would shape my personal and professional life, or how many sincere and true personal relationships I would build. This thesis is the tangible outcome of my time at NPS. It is the culmination of coursework, research, and endless hours of drafting, writing, and editing over an open laptop.

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## I. INTRODUCTION

Today the very nature of travel, trade, and commerce means that one vulnerability or gap anywhere across the globe has the ability to impact security thousands of miles away...our security must be a shared responsibility—among governments, the private sector, individuals, and communities.

—Department of Homeland Security<sup>1</sup>

After September 11, 2001, the U.S. government (USG) engaged in its largest overhaul and restructuring since the end of World War II. Looking through the “lenses of past institutions,” the Department of Homeland Security (DHS) was created from old and new agencies by experts cultivated in a Cold War structure, organized now to combat an agile and determined threat within a “New World Order.”<sup>2</sup> A new world characterized by globalization and the growing interdependence of information, resources, people, and trade. Nowhere is this structural bipolarity more prevalent than within DHS’ transportation security mission and the component agencies responsible for securing the global transportation system, as these agencies are required to focus on the transportation system both inside the domestic United States and outside of its physical borders.

To begin to understand the international dimension of homeland security and specifically, DHS’ international role, this thesis answers the question:

Should DHS leverage international and foreign assistance programs to secure the global transportation system inbound to the United States?

DHS’ strategic plan for the years 2012–2016 explicitly acknowledges the importance of international engagement and cooperation in two mission areas, “preventing terrorism, enhancing security, and securing and managing borders.”<sup>3</sup> It

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<sup>1</sup> “Fact Sheet: DHS’s International Footprint,” Department of Homeland Security, last updated December 12, 2011, <http://www.dhs.gov/news/2011/12/02/fact-sheet-dhss-international-footprint>.

<sup>2</sup> John Fass Morton. *Next-Generation Homeland Security* (Annapolis, MD: Naval Institute Press, 2012), 1, 3.

<sup>3</sup> Department of Homeland Security (DHS), *Department of Homeland Security Strategic Plan Fiscal Years 2012–2016* (Washington, DC: Department of Homeland Security, February 2012), 3, 7, <https://www.dhs.gov/xlibrary/assets/dhs-strategic-plan-fy-2012-2016.pdf>.

acknowledges that managing and maintaining its foreign engagement activities and international footprint is critical to DHS' role within the national security environment, noting that "our borders should not be the first line of defense against global threats."<sup>4</sup> This thesis examines the international transportation security programs and foreign assistance activities implemented by DHS in order to determine the scope and purpose of DHS' role within the international environment.<sup>5</sup>

This research provides a comprehensive review of DHS' international transportation security programs. It considers programs established by U.S. legislative action—in other words, those granted by statutory authority, as well as those activities and programs that fall within the traditional framework of U.S. foreign assistance. Analyzing these two categories of DHS programs—that is, those required by law versus those that fit within the traditional foreign assistance framework—provides in-depth insight into DHS' international footprint. Each category presents a unique set of challenges and limitations in terms of program implementation and management. For example, an international program that is required by law is often funded by Congress through direct appropriations to DHS or the agency with primary responsibility, giving the respective agency greater ownership and direction for the program. Foreign assistance activities primarily coordinated by the Department of State (DOS) and United States Agency for International Development (USAID) often pull from various streams of funding within DOS that focus on a myriad of objectives, only one of which may include homeland security-related activities.<sup>6</sup> Programs funded and managed by DOS and USAID decrease DHS' role and lead to challenges with information sharing and program execution.<sup>7</sup>

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<sup>4</sup> DHS, *Department of Homeland Security Strategic Plan*, 8.

<sup>5</sup> Transportation system internationally is defined similarly to how DHS defines the transportation sector, including both maritime and aviation security. "Transportation Systems Sector," DHS, accessed January 3, 2016, <http://www.dhs.gov/transportation-systems-sector>.

<sup>6</sup> DHS Officer of the Inspector General (OIG), *Management of Department of Homeland Security International Activities and Interests* (OIG-08-71) (Washington, DC: Department of Homeland Security, June 2008), 38, [http://www.oig.dhs.gov/assets/Mgmt/OIG\\_08-71\\_Jun08.pdf](http://www.oig.dhs.gov/assets/Mgmt/OIG_08-71_Jun08.pdf).

<sup>7</sup> DHS OIG, *Management of Department of Homeland Security*, 39–41.

The U.S. Customs and Border Protection Agency (CBP), the Transportation Security Administration (TSA), and the U.S. Coast Guard (USCG) are the largest component agencies within DHS that have missions and responsibilities for securing the global transportation network. Therefore, this thesis focuses on assessing each agency's international programs and activities, and their stated purposes to provide recommendations for consideration by DHS, agency leadership, Congress, and other stakeholders and academic scholars. This thesis also analyzes these programs and activities within the context of a current U.S. foreign assistance framework as one approach for understanding the goals, challenges, and limitations of DHS' international programs and activities. This analysis results in to recommendations and a proposed model for understanding DHS' role within the international environment.

## **A. PROBLEM STATEMENT**

Terrorism is global in nature, crossing political and territorial boundaries, exploiting both the benefits and vulnerabilities of the global economy.<sup>8</sup> This terrorist exploitation phenomenon is particularly significant in the area of transportation.<sup>9</sup> Maritime and aviation networks that are critical to fostering the flow of goods and services, as well as capital and labor, are key and consistent targets for terrorist groups.<sup>10</sup> Advances in technology and efficiency that increase the network's ability to support and sustain the global economy have produced security gaps susceptible to exploitation. Transportation infrastructure, such as air and seaports, can be the target of the attack or the method of introduction. Vessels, airplanes, or boats cannot only be mechanisms for attack—as we saw on 9/11—but can also be the targets and vectors for introducing people or items that can be utilized in attacks with devastating and wide-spread consequences.

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<sup>8</sup> Van R. Johnston and Amala Nath, "Introduction: Terrorism and Transportation Security," *Review of Policy Research* 21, no. 3 (May 1, 2004): 255, doi:10.1111/j.1541-1338.2004.00073.x. p. 255

<sup>9</sup> Johnston and Nath, "Introduction"; Yossi Sheffi, "Supply Chain Management under the Threat of International Terrorism," *The International Journal of Logistics Management* 12, no. 2 (July 1, 2001): 1–11. doi: 10.1108/09574090110806262.

<sup>10</sup> DHS, *Department of Homeland Security Strategic Plan*, 8.

Over the past five years, terrorist actors' have continued to capitalize on the security gaps and vulnerabilities within the global transportation system. We saw this most recently in two separate bombings of commercial airliners; the first on October 31, 2015 with the bombing of the Russian Metrojet, and again in early February 2016 with the explosion on Daallo Airlines Flight 3159.<sup>11</sup> Both of these events currently believed to be initiated by insiders either at the airport or within the airlines themselves, a gap known to security officials for some time.<sup>12</sup> While these events are recent, they follow a series of attacks on the aviation transportation system that include the discovery of an improvised explosive device (IED) in a printer cartridge on a United Parcel Services plane in 2010, and the Detroit-bound airliner carrying Umar Farouk Abdulmutallab, who wore a non-metallic IED within his underwear.<sup>13</sup> Maritime containerships, absent a notable terrorist incident, continue to be used as a method of smuggling guns, people, drugs, and other illicit items.<sup>14</sup> More importantly, terrorist organizations have published multiple magazines and manuals to their respective followership and potential recruits, illustrating how to circumvent security procedures, encouraging their followers to attack the global transportation system.<sup>15</sup>

The consequences of these attacks are not just the visual casualties, destruction of physical assets, emotion and psychological impacts as well as financial impacts of response and recovery. Within the transportation system, these impacts can continue to ripple into supply chain components through slow downs and increased costs associated

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<sup>11</sup> Don Melvin and Matthew Chance, "Russian Plane Crash: \$50M Reward for Information," CNN, last updated November 17, 2015, <http://www.cnn.com/2015/11/17/middleeast/russian-metrojet-crash-bomb/index.html>; Vikram Dodd, Richard Norton-Taylor, and Paul Harris, "Cargo Plane Bomb Found in Britain Was Primed to Blow up over US," *Guardian*, November 10, 2010, <http://www.theguardian.com/>; Robyn Kriel and Faith Karimi, "Airport Workers Seen with Laptop in Somalia Jet Blast," CNN, last updated February 8, 2016, <http://www.cnn.com/2016/02/07/africa/somalia-airplane-explosion-video/index.html>.

<sup>12</sup> Melvin and Chance, "Russian Plane Crash"; Dodd, Norton-Taylor, and Harris, "Cargo Plane," Kriel and Karimi. "Airport Workers."

<sup>13</sup> Dodd, Norton-Taylor, and Harris, "Cargo Plane"; Jason Ryan, "Underwear Bomber Abdulmutallab: 'Proud to Kill in the Name of God,'" ABC News, February 16, 2012, <http://abcnews.go.com/Blotter/underwear-bomber-abdulmutallab-sentenced-life-prison/story?id=15681576>.

<sup>14</sup> Richard Norton-Taylor, "Sea Trafficking Report Reveals How Ships Move Guns and Drugs," *Guardian*, January 29, 2012, sec. World news, <http://www.theguardian.com/>.

<sup>15</sup> Karen DeYoung, "New Issue of Jihadist Magazine Produced by Al-Qaeda in Yemen Suggests Attacks on U.S.," *Washington Post*, December 24, 2014. <http://www.washingtonpost.com/>.

not only to the attack itself but the resulting government regulations and security measures, almost indefinitely imposed on commercial and private actors across the system.<sup>16</sup>

DHS maintains the legal and statutory authority through the Homeland Security Act of 2002, the Maritime Transportation Security Act, the Implementing Recommendations of the 9/11 Act, and individual congressional appropriations to ensure that the transportation system inbound to the United States is protected against attack, and that both goods and people can arrive safely within U.S. borders.<sup>17</sup> Through these authorities, DHS and its component agencies require commercial entities to implement and comply with U.S. security procedures at non-U.S. locations, and also to engage in foreign assistance activities and programs that focus on technology distribution, bilateral and multilateral engagement, information sharing, and technical training.<sup>18</sup> In fiscal year (FY) 2012, DHS spent an estimated \$451 million on these international activities and stationed more than 1,800 full-time equivalent personnel in more than 80 countries to implement these programs.<sup>19</sup> DHS considers international and homeland security “inextricably linked.”<sup>20</sup>

As the terrorists’ determination to target the global transportation system persists and DHS, CBP, TSA, and USCG remain committed to pursuing international programs and assistance activities, better understanding of their scope, operational objectives, legalities, limitations, and areas of improvement is necessary. International engagement challenges within DHS and across the USG must be mitigated to avoid creating additional vulnerabilities within the global transportation system.

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<sup>16</sup> Sheffi, “Supply Chain Management,” 10.

<sup>17</sup> DHS OIG, *Management of Department of Homeland Security*, 5–6.

<sup>18</sup> Government Accountability Office (GAO), *Combatting Terrorism: DHS Should Take Action to Better Ensure Resources abroad Align with Priorities* (GAO-13-681) (Washington, DC: United States Government Accountability Office, September 2013), 4.

<sup>19</sup> GAO, *Combatting Terrorism*, 18.

<sup>20</sup> “Fact Sheet: DHS’s International Footprint,” DHS.

## **B. METHODOLOGY**

This thesis uses a policy analysis model focusing on the evaluation of existing mandates, congressionally or statute-based authorities, and the resulting programs in place within DHS, TSA, CBP, and USCG in relationship to their stated objectives or outcomes. It also examines these programs within the context of the overall U.S. foreign assistance framework.<sup>21</sup> Most significantly, this methodology provides a thorough analysis through a comprehensive approach to provide recommendations for DHS to consider implementing in international transportation security programs. Recommendations and additional research help improve DHS' program deployment to better meet its mission requirements, as well as the USG's.

## **C. ARGUMENT AND CLAIMS**

This research is built on multiple arguments and assumptions. The primary assumption is that understanding DHS international programs' scope, objectives, outcomes, and footprints within their existing statutory framework—and the framework of the traditional U.S. foreign assistance system—will provide insight into DHS' constraints and challenges that can illuminate areas for focus and improvement.

Second, this thesis argues that the historical evolution of U.S. foreign assistance indicates that activities and goals can change, and that understanding this progression and applying it to DHS will provide reasonable and concrete policy recommendations for the department and the USG as a whole. At a minimum, the experience and evolution of the U.S. foreign assistance framework provides a foundation for understanding how national objectives in the international environment have evolved, and if DHS' role should increase or decrease within that environment in relationship to the threats we face in global transportation security.

Third, this research is built upon the assumption that DHS' international programs and foreign assistance activities are not only within the legal, statutory, and operational

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<sup>21</sup> Charles Lusthaus, Marie-Helene Adrien, and Mark Perstinger. "Capacity Development: Definitions, Issues and Implications for Planning, Monitoring and Evaluation." *Universalla Occasional Paper*, no. 35 (1999): 2.



authority of DHS, TSA, CBP, and USCG, but that they should remain within their respective scopes because of the specific subject-matter expertise that resides within DHS. Since DHS is the USG's leading agency for border and transportation security, DHS and its component agencies should be more integrally involved and lead international programs that align with its five core mission areas, and specifically within transportation security. Understanding the scope of programs and activities within DHS—as well as their objectives and individual the characteristics that differentiate them between statutory and foreign assistance programs—supports better program planning, management, coordination within the USG, and ultimately program execution and effectiveness.

Another key assumption is that DHS does not have a coordinated strategy or performance objectives for engaging in international assistance to increase security capabilities. Because of this lack of a strategy and performance objectives, DHS' international activities are not coordinated by component agencies, resulting in redundancies, confusion, and inefficiencies.<sup>22</sup> DHS also fails to understand and gauge how to apply development methodologies and tools for implementing foreign assistance programs. Developing a model for understanding the overlaps and redundancies assists in further refining programs and supports a call for legislative restructuring.

Lastly, it is important to note that this research does not evaluate DHS programs' effectiveness or efficiency in increasing the security of the global transportation system. Instead, it serves as a first step for better and more detailed understanding of DHS' operations and scope within the international environment.

#### **D. PURPOSE AND AUDIENCE**

The threat of terrorism in the global transportation system represents “a new era of continuous danger.”<sup>23</sup> The global transportation system is a complex system of people, things, and infrastructure that cross national boundaries; security policies must continue to be implemented to protect this system, but these measures must not be such that they

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<sup>22</sup> DHS OIG, *Management of Department of Homeland Security*, 30.

<sup>23</sup> Sheffi, “Supply Chain Management,” 1.

are too onerous and burdensome so that the transportation system itself ceases to function. Additionally, in most cases, a critical node within the system, i.e., an airport, seaport, truck or rail line, warehouse, or repair station is located physically and legally within the authority of a foreign government. U.S. laws and legal requirements are not applicable to these critical nodes of the global transportation system even though their functioning is essential to the security of the system into and within the United States.

The complexities of the system combined with the threat and determination of terrorist actors make it critical to define, model, and assess the international dimension of DHS within the transportation sector, beginning first with first developing a basic understanding. Defining, modeling, and assessing DHS' role can then lead to the more effective monitoring, evaluation, refinement, and potentially to more efficient policies and programs. An effective and efficient department strategy applied across agencies can create positive feedback loops within the domestic United States both from a policy perspective and operational security capability.

This research can benefit multiple aspects of the homeland security enterprise, but is particularly focused on DHS, component agency leadership, Congress, and researchers who focus on national security and homeland security issues. It is the author's argument that DHS' role in international collaboration and foreign assistance is also an important area of convergence between national and homeland security, an area that requires significantly more research and exploration.

## **E. THESIS OVERVIEW**

This research topic is complex and spans topics across the national security and homeland security enterprise working towards a common end to answer the research question. Following this introduction, Chapter II provides an overview of the relevant literature, including a discussion on the role of international programs and activities within DHS and foreign assistance as a security tool. Chapter III provides the data of this thesis through a detailed discussion of DHS statutory and legal authorities and specific programs implemented by CBP, TSA, and USCG. Chapter IV outlines the primary framework for analysis and provides a brief overview of the framework's evolution, and

analyzes DHS' international program within the U.S. foreign assistance framework. Lastly, Chapter V includes recommendations for consideration and implementation as well as concluding comments.

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## **II. LITERATURE REVIEW**

In order to carry out its mission to mitigate and prevent attacks on the transportation network, DHS—through TSA, CBP, and USCG—must operate outside the physical borders of the United States to implement security programs and engage with foreign government counterparts. While there is ample literature focused on the larger topic of homeland security, organizational challenges, and threats or lack thereof that face DHS, there is very limited research available that discusses the scope, purpose, and practical implementation of DHS security requirements and programs outside of the United States. Conversely, literature abounds across the spectrum of national security issues, from the use of military force, soft power, security assistance, and development assistance, with very little mention of a role for DHS.

This thesis is a nascent attempt to bridge the gap that exists between homeland and national security literature. The literature is presented in two parts in order to explore areas of convergence between homeland security and national security with respect to DHS’ international role. The first section reviews literature that focuses on the international dimension of homeland security. The second part presents a snapshot of literature on the role of U.S. foreign assistance as a foreign policy tool. It includes discussion on the various types of USG assistance, including development assistance and security assistance, as well as a brief discussion on capacity development. Further discussed in Chapters III and IV, all three major agencies within DHS that have a role in international transportation security discuss aspects of their international programs as focused on “building partner capacity” in terms of security capabilities. This terminology is also present in multiple DOD programs that fall under the security assistance umbrella of U.S. foreign assistance. A short discussion on the literature in this area provides insight into what this terminology encompasses in order to determine how capacity development can be utilized by DHS or how DHS programs that focus on capacity development meet their objectives. Together, dividing these topics into two sections helps determine areas of commonality, disagreement, and gaps relevant to this thesis research.

## A. DHS' INTERNATIONAL ROLE

The discussion on the international dimension of homeland security is primarily based within the multitude of U.S. national security, homeland security, and counterterrorism strategies developed over the past fourteen years. Though these strategies provide a foundation for understanding the international role of DHS, it is also important to look outside government documents into work conducted by academic scholars and think tanks to gain additional insight. Even though most of this work focuses on DHS' need to be more involved in international affairs and engagement, it contains disparagingly little detail or analysis on the programs or strategies DHS employs internationally.

The first *National Strategy for Homeland Security*, written by the Office of Homeland Security eight months after the events of September 11, 2001, provides the initial U.S. government definition and objectives of U.S. homeland security; this document clearly acknowledges the international environment as critical to homeland security, noting that, "In the world where the terrorist pays no respect to traditional boundaries, our strategy for homeland security cannot stop at our borders."<sup>24</sup> Further, the strategy recognizes that threats to homeland security emanate from abroad:

We strive to detect terrorists before they strike, to prevent them and their instruments of terror from entering our country....These efforts...take place both at home and abroad. The nature of modern terrorism requires a global approach to prevention.<sup>25</sup>

This international element is a common thread among the literature and frameworks that call for DHS involvement in the wider homeland security arena.

National strategies can be important in setting the direction for the nation as well as for framing the public and political discourse on homeland security. They also, however, make it challenging to understand the role of international activity within homeland security simply because they lack detail on programs and mechanisms by

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<sup>24</sup> The White House, *National Strategy for Homeland Security* (Washington, DC: The White House, July 2002), xii, <http://www.dhs.gov/publication/first-national-strategy-homeland-security>.

<sup>25</sup> White House, *National Strategy*, 2.

which government entities should coordinate with foreign partners. Program detail is critical to understanding the complexities of the international environment and the level of effort required of DHS and its agencies to operate and collaborate with the international community.

Authors and academics agree with national strategies that point to the threat of international terrorism as core to DHS' mission and responsibilities. James Carafano and Richard Weitz contend that most terrorist attacks have an international dimension and that only through international cooperation can DHS succeed in its mission to secure the homeland.<sup>26</sup> They cite post-World War II DOD programs as a basis for their arguments to demonstrate the benefits of international security assistance. The authors posit programs such as the Foreign Military Sales (FMS) and International Military Education and Training programs have not only safeguarded U.S. interests and built alliances, but have also helped other countries address threats, from natural disasters to internal military threats and have resulted in equipment compatibility and doctrine to support joint efforts.<sup>27</sup> The authors also point out that although there are benefits of international cooperation for the Department of Defense (DOD), DHS does not have an equal seat at the table within the traditional international assistance framework.<sup>28</sup> Per Carafano and Weitz, direct congressional funding for DHS to operate internationally is a critical factor in advising and supporting foreign development and post-conflict stability operations; aviation and maritime security are often the first priorities, and DHS has the appropriate subject-matter expertise to enable quicker recovery and development.<sup>29</sup>

Dominic Traina presents a slightly different argument. By evaluating case studies of various international programs, Traina concludes that DHS should learn from the

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<sup>26</sup> James Jay Carafano, and Richard Weitz, "Enhancing International Collaboration for Homeland Security and Counterterrorism," The Heritage Foundation, October 18, 2007, 1, <http://www.heritage.org/research/reports/2007/10/enhancing-international-collaboration-for-homeland-security-and-counterterrorism>.

<sup>27</sup> Carafano and Weitz, "Enhancing International Collaboration," 2.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

international training and assistance programs employed by the DOD and DOS.<sup>30</sup> The author recommends that DHS change the focus of its security programs as a whole and argues that infusing additional concepts of “soft” power will help the programs build partnerships for DHS.<sup>31</sup> Though this argument is sound, the author only reviews a few programs, and does not acknowledge the broader DHS capability nor its systemic difficulties operating within the foreign context (as outlined by Carafano and Weitz).

A different perspective on DHS foreign operations is presented in a 2013 U.S. Government Accountability Office (GAO) recommendation, which provides more insight into specific DHS international transportation security programs and initiatives. In this report, the GAO outlines the organizational, budgetary, and strategic problems associated with DHS’ international operations, noting that DHS must operate within the U.S. State Department’s organizational structure at U.S. embassies worldwide.<sup>32</sup> The GAO views the arrangement in a Cold-War framework (rather than in a post-9/11 context), in which national security institutions and hierarchies take precedence. He concludes that DHS is responsible for operating with State Department guidelines, and is often directly responsible for failed symmetry within USG priorities resulting in; confusion with foreign partners and relationship ownership, deficient subject-matter expertise where security needs may warrant, and disparate U.S. positions on security matters where consistency is needed.<sup>33</sup>

Fourteen years after 9/11, it may be time to re-direct our international engagement paradigm. But there is a logical reason for this disconnect between traditional U.S. national security institutions and DHS, attributed to the last fifty years of our nation’s history. Nadav Morag outlines a succinct history and development of the U.S. homeland security governance structure, providing context for why, historically, there exists a

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<sup>30</sup> Dominic J. Traina, III, “Advancing U.S. Foreign Policy through Homeland Security: The Logic for International Training and Professional Exchanges” (master’s thesis, Naval Postgraduate School, 2013).

<sup>31</sup> Traina, “Advancing U.S. Foreign Policy,” 82.

<sup>32</sup> GAO, *Combatting Terrorism*, 2.

<sup>33</sup> *Ibid.*, 38.



profound distinction between the domestic and international spheres from an American perspective.

Historically, the United States benefited from geographic isolation far from the wars and political machinations of the leading powers on the European and Asian continents. Consequently, there gradually developed a view that there was a distinct separation between domestic and international challenges and that policies (and their intended institutions) employed overseas were largely irrelevant domestically and vice versa.<sup>34</sup>

Morag's statement also provides insight into why there are challenges within the institutions and the American psyche for understanding the threats we face, or at a minimum why 9/11 was such a turning point in U.S. history. It is because of this distinct separation between domestic and international institutions that DHS, and the USG as a whole, is severely organizationally challenged to deal with a nimble and agile threat. Morag reinforces that the threat to the United States is transnational; through his comparative analyses, he finds that increased security in partner countries can mean increased security at home.<sup>35</sup> While he provides a reasonable description of the complexities within the international environment—which include the varying structures of homeland security institutions in partner countries—Morag fails to examine the outward-facing programs within DHS employed daily to increase the security of the homeland.

The challenge of the transnational threat is an area of common agreement between the government's strategic frameworks and various authors. While some scratch the surface in reviewing or detailing out specific programs (e.g., Traina and the GAO), others begin to tie together more complexity within DHS' scope and authority—complexity such as the systems that DHS protects or the dynamic challenges specific to the broad mission of DHS.

Ryan Stiles, with a position closely aligned to the Quadrennial Homeland Security Review, makes the case that homeland security has an international dimension because of

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<sup>34</sup> Nadav Morag, *Comparative Homeland Security: Global Lessons* (Hoboken, NJ: John Wiley & Sons, 2011), 5.

<sup>35</sup> Morag, *Comparative Homeland Security*, 9.

the interconnected nature of the global system.<sup>36</sup> Stiles focuses on the performance outcomes of the transportation system by outlining that the United States admits an estimated 500 million people into the country annually, which includes 330 million non-citizens as well as 11.2 million trucks and 2.2 million rail cars.<sup>37</sup> Looking at the scope of the system that DHS must protect, Stiles breaks down nine areas where there is a specific international dimension to homeland security. These nine areas cover a broad scope of homeland security responsibilities from the need for increased border protection to assisting nations in fighting terrorism and protecting critical infrastructure.<sup>38</sup>

One of the more problematic areas of divergence for researchers evidenced by this review, is determining if homeland security is a component of national security, or if a paradigm shift is necessary and homeland security should absorb elements of national security. Some authors, such as Stiles, Traina, and Morag, believe the international dimension of homeland security is a component of the traditional national security infrastructure and therefore lessons should be learned from those institutions on how international engagement, training, and alliance-building should be conducted. Carafano and Weitz, on the other hand, argue that changes should be made within the national security framework, most specifically congressional funding, to support DHS (and the broader homeland security enterprise) within the international environment, which has specific expertise in transportation, infrastructure, and law enforcement. Overwhelmingly, however, there exists agreement an international dimension to homeland security; this warrants additional research for two reasons. First, DHS has a significant role in international cooperation because the threat, although not singularly, emanates from overseas. Second, international cooperation is necessary because vulnerabilities exist within global networks of transportation, trade, and the cyber sphere that enable American interests, commerce, and citizens to communicate and prosper globally. Some authors, such as Carafano and Weitz and Nadav Morag, highlight the

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<sup>36</sup> Ryan P. Stiles, "The International Dimension of Homeland Security," in *International Law Studies*, vol. 81, eds. Thomas McK. Sparks and Glenn M. Sulmasy, 3–15 (Newport, RI: U.S. Naval War College, 2006).

<sup>37</sup> Stiles, "The International Dimension," 9.

<sup>38</sup> *Ibid.*, 8.

threat from abroad more than others, stressing the need to either forward deploy security measures or work with partner countries to ensure that capacity to mitigate vulnerabilities is increased, therefore strengthening U.S. homeland security.

Another area of agreement is that traditional international engagement activities have belonged, since the end of World War II, within the scope and framework of the DOS or DOD. This is also, however, where there begins the largest points of divergence within the literature. Due to this traditional model of DOD training and international alliance building, Traina argues that DHS should adopt a DOD model for training and implementing similar programs. GAO recommends that DHS strategically integrate into the DOS international engagement strategy.<sup>39</sup> Although these positions have some validity, neither piece of literature takes into account the scope, purposes, culture, and capabilities of DHS differ from traditional national security institutions. The GAO report does a good job suggesting management and oversight changes, but forgoes suggesting DOS officials integrate DHS culture, missions, and perspectives more effectively into the U.S. mission construct.

It is understandable that there are gaps and areas of divergence within the literature on the international dimension of homeland security. The focus of scholars and government agencies tends toward viewing national security as the dominant field from which lessons should be learned. It is also reasonable that authors draw similarities between DOD and DHS training programs, both for interoperability and for building policy consensus with foreign partners, as Traina concludes.<sup>40</sup> Most prominently and significantly, the literature lacks detail about DHS international programs and empirical—or even subjective—analysis of DHS initiatives, which is necessary in order to understand the full reach of these programs and activities their validity to homeland security.

As the homeland security enterprise is now over thirteen years old, there is a well-established portfolio of international programs and activities that could be studied and

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<sup>39</sup> GAO, *Combatting Terrorism*, 40.

<sup>40</sup> Traina, “Advancing U.S. Foreign Policy,” 83.

analyzed to further the efficiency and effectiveness of these programs. Aside from case studies of security measures and the structures that support the homeland security policies employed by other countries, there are also very few frameworks and methodologies used by researchers or the USG have used to assess the programs activities employed by DHS directly.

## **B. U.S. FOREIGN ASSISTANCE**

U.S. foreign assistance and international engagement is a critical and systematic tool of foreign policy. It has evolved throughout the twentieth century from a focus on security assistance through military support to a tool that now spans widely across USG missions—from humanitarian aid to economic development, education, health, and security.<sup>41</sup> Additional detail on the structure, complexity, and dynamics of U.S. foreign assistance is discussed in greater detail in Chapter IV, but it is also represented in the literature. The complexity of U.S. foreign assistance is manifested not only in the type of assistance being discussed, but also in the entangled political objectives of state interests, individual interests, and ethical impacts.

Because of this complexity—and because there is little to no literature to date that compares foreign assistance and homeland security—this section focuses on the foreign assistance framework as a whole in order to determine the key arguments and ideas across mission disciplines. This review is loosely bounded by three areas of discussion most relevant to this thesis: why countries engage in foreign assistance, the impacts of foreign assistance, and the role of assistance in national security. These broad discussion areas reveal trends that DHS should consider in its foreign assistance activities.

### **1. Foreign Assistance**

The reasons why countries engage in foreign assistance range from self-interest, national security, humanitarian objectives, economic development, and even morality. In “Examining the Goals of U.S. Foreign Assistance,” Brian Lai presents three reasons why the U.S. allocates foreign assistance—national security interests, domestic pressures

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<sup>41</sup> “Foreign Assistance Homepage,” accessed February 27, 2016, <http://beta.foreignassistance.gov>.

influenced by interest groups (particularly business and industry), and “American Exceptionalism.”<sup>42</sup> In “American Exceptionalism,” Lai acknowledges that the United States rewards other states with foreign assistance if they have similar democratic values and liberal societies that support U.S. goals for economic and political stability (as opposed to purely a tool for self-interest).<sup>43</sup> Through empirical analysis between Cold-War and post-Cold War assistance funding, Lai concludes that a strong relationship between security interests and foreign assistance allocations exists within the United States.

Similarly, Griffin and Enos frame foreign aid as the “hindrance from without,” or as an attempt to improve the lives of citizens and increase their overall well-being.<sup>44</sup> The authors further discuss why countries provide assistance, and the outcomes or consequences of these assistance activities for respective countries. Because of the resource inflows and outflows that are inherent in assistance programs—whether they are personal funds or equipment—Griffin and Enos approach the topic from an economist’s point of view. Their central argument is that countries engage in foreign assistance not for purely benevolent reasons, but due instead, to the desire for power through influence. Examples such as Russia providing aid to India and Guatemala from the United States prove that national interest is ultimately the objective of assistance packages.<sup>45</sup> “In granting assistance, economic efficiency or social justice or any other criterion is subordinate to the national interest.”<sup>46</sup>

There seems to be a strong argument that national security is the primary motivator for foreign assistance. Although Mckinley and Little argue that self-interest is a donor nations’ primary motivator, they also characterize the consistent tension that exists

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<sup>42</sup> Brian Lai, “Examining the Goals of U.S. Foreign Assistance in the Post-Cold War Period, 1991–96,” *Journal of Peace Research* 40, no. 1 (January 1, 2003): 104, doi: 10.1177/0022343303040001208. (p. 104).

<sup>43</sup> Lai, “Examining the Goals,” 104.

<sup>44</sup> K. B. Griffin, and J. L. Enos, “Foreign Assistance: Objectives and Consequences,” *Economic Development and Cultural Change* 18, no. 3 (1970): 313.

<sup>45</sup> Griffin, and J. L. Enos, “Foreign Assistance,” 314.

<sup>46</sup> *Ibid.*, 316.

within the foreign assistance discourse.<sup>47</sup> Similar to Callaway and Matthews, they describe foreign assistance as ambiguous, creating a consistent tension between aid designed “to provide humanitarian relief and further the long-term economic and social development of low-income countries” and that which serves national security objectives.<sup>48</sup>

Rhonda Callaway and Elizabeth Matthews further explore this tension between foreign assistance objectives and impacts. Specifically, they focus on the relationship between human rights and national security in U.S. foreign assistance objectives.<sup>49</sup> The authors explore multiple U.S. programs in Turkey, Pakistan, and Colombia, and conclude that even when aid programs are designed to better human conditions in the country, there is no evidence that conditions improved. Callaway and Matthews also provide detailed analysis of the tension between politics and rhetoric behind assistance programs, examining statements by various political leaders and public polling in the United States. While the authors note that “the American public demands a foreign policy based on their own self-image of ‘an exceptional people who stand for freedom around the world,’” they ultimately conclude that, in most cases, there is actually a negative relationship between assistance and human rights, often creating worse conditions in recipient nations.<sup>50</sup> This negative impact is caused by corruption and foreign leaders’ misuse of aid; additionally, increased military assistance can lead to stronger militaries that have, at times, resulted in military takeovers of countries.<sup>51</sup>

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<sup>47</sup> R. D. McKinley, and R. Little, “The U.S. Aid Relationship: A Test of the Recipient Need and the Donor Interest Models,” *Political Studies* 27, no. 2 (June 1, 1979): 247. doi: 10.1111/j.1467-9248.1979.tb01201.x.

<sup>48</sup> McKinley, and R. Little, “The U.S. Aid Relationship,” 236.

<sup>49</sup> Rhonda L. Callaway and Elizabeth G. Matthews, *Strategic U.S. Foreign Assistance* (London: Ashgate, 2008), 1–3.

<sup>50</sup> Callaway and Matthews, *Strategic U.S. Foreign Assistance*, 22, 184.

<sup>51</sup> Ibid., 137; Kersti Larsdotter, “Security Assistance in Africa: The Case for Less,” *Parameters* 45, no. 2 (Summer 2015): 23–30, [http://strategicstudiesinstitute.army.mil/pubs/parameters/Issues/Summer2015/6\\_Larsdotter.pdf](http://strategicstudiesinstitute.army.mil/pubs/parameters/Issues/Summer2015/6_Larsdotter.pdf).

In *The Dictator's Handbook*, Bruce Bueno de Mesquita and Alistair Smith make a similar argument.<sup>52</sup> They claim that foreign assistance is primarily targeted to buy the support of governments within recipient nations for two reasons: first, because it increases the base of supporters for democratic leaders whose supporters like the idea of providing assistance to troubled nations, and second, because it is used by foreign leaders to pay off their own supporter base.<sup>53</sup> Foreign aid, according to de Mesquits and Smith, results in little improvement of the basic needs of the people within these countries and instead results in continued corruption of governments.<sup>54</sup>

Bandyopadhyay, Sandler, and Younas argue that increased assistance is needed to bolster proactive measures in “countries where transnational terrorist groups reside.”<sup>55</sup> The authors base their work on the assumption that “a targeted country is also reliant on another country’s offensive actions if the terrorists use a host country as a base from which to train and disperse attack forces.” They also acknowledge that there is a risk of regime change in recipient countries based on loss of popular support from increased reliance on aid.<sup>56</sup> Through a three-staged gaming model, the authors illustrate how terrorism countermeasures applied in a donor versus a recipient nation can impact terrorist decisions to attack one or the other, or both. Based on these models, the authors conclude that homeland security is strongly related to foreign aid, concluding that specific security aid is more effective than general aid.<sup>57</sup> Additionally, the modeling found that countries targeted for terrorism that fund specific proactive measures in recipient countries can overall deter terrorist attacks globally.<sup>58</sup>

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<sup>52</sup> Bruce Bueno de Mesquita and Alastair Smith, *The Dictator's Handbook: Why Bad Behavior Is Almost Always Good Politics* (New York: Public Affairs, 2011).

<sup>53</sup> Bueno de Mesquita and Smith, *The Dictator's Handbook*, 166.

<sup>54</sup> *Ibid.*, 89.

<sup>55</sup> Subhayu Bandyopadhyay, Todd Sandler, and Javed Younas. “Foreign Aid as Counterterrorism Policy.” *Oxford Economic Papers* 63 (2011). <http://oep.oxfordjournals.org/content/63/3/423.short>.

<sup>56</sup> Subhayu Bandyopadhyay, Todd Sandler, and Javed Younas, “Foreign Aid,” 423–424.

<sup>57</sup> *Ibid.*, 442.

<sup>58</sup> *Ibid.*

Given these dichotomies of purpose and impact, there are still those who advocate for increased assistance. Former Secretary of State Robert M. Gates outlines security assistance as a way to increase the security capabilities of our international partners in the face of continuing threats and terrorist attacks.<sup>59</sup> Because of the unlikelihood of another major combat operation like those in Afghanistan and Iraq since 2002, Gates argues that “the effectiveness and credibility of the United States will only be as good as the effectiveness, credibility, and sustainability of its local partners.”<sup>60</sup> This effectiveness and credibility is dependent on the partner nation’s ability to defend itself, which means that building the capacity of partner nations is a necessary national security policy in the United States.<sup>61</sup> Gates supports this claim by on multiple principles. First, the U.S. military cannot confront all the security challenges it faces across the globe; having partner nations that can defend themselves reduces that strain. Second, due to what Gates describes as a “struggle for legitimacy” and power within the Islamic world, strengthening other countries’ governance structures is beneficial to U.S. national security.<sup>62</sup> Ultimately, Gates’ last principle is his central argument: that the instruments of U.S. national power, both the U.S. military as well as its civilian agencies, were originally developed and designed to meet a different threat, and that a change—specifically a focus toward specific security assistance activities—is needed to meet the threats of the 21st century.<sup>63</sup>

On the other hand, Larsdotter argues that even though the United States has trained and equipped over 80,000 local security forces across Africa to tackle violent extremism, it has only led to increased instability across the continent.<sup>64</sup> More importantly, from the U.S. security perspective, Larsdotter states that African states have increasingly become safe havens for terrorist groups from Al-Qaeda in the Islamic

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<sup>59</sup> Robert Gates, “Helping Others Defend Themselves,” *Foreign Affairs* (May/June 2010). <https://www.foreignaffairs.com/articles/2010-05-01/helping-others-defend-themselves>.

<sup>60</sup> Gates, “Helping Others,” 3.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid., 4.

<sup>63</sup> Ibid., 5.

<sup>64</sup> Larsdotter, “Security Assistance in Africa,” 27–28.



Maghreb, al-Shabab, and Boko Haram.<sup>65</sup> This is mostly because the increase of assistance “risks being used by forces supporting insurgents that are committing human rights violations or restricting democratic processes.”<sup>66</sup> Overall, Larsdotter provides evidence of fragile states in Thailand, Mali, and Nigeria—all countries that have received U.S. assistance, and that have been toppled by military coups. Larsdotter concludes that, because of this risk, the United States would be better off putting either its own personnel on the ground or working with the international community to place more foreign troops in the country.<sup>67</sup>

Hindery et al. argue that development assistance should be “a core pillar of national security and American moral values.”<sup>68</sup> They base this argument fundamentally on claims that aid has spurred economic development, most notably in Asia, and that ultimately a restructuring of the assistance framework in the United States to include depoliticizing development assistance can support the longer-term sustainability of development assistance programs.<sup>69</sup> Although their argument is based on successes, they do not provide sufficient evidence of success in support of their positions. What these authors and a few others argue is that restructuring U.S. foreign assistance will have positive impacts on the delivery and management of assistance programs. Hindery, Sachs, and Smith argue that a new government department is needed, and that it should be structured like the United Kingdom’s.<sup>70</sup> A new department structure would “depoliticize assistance”<sup>71</sup> so that it can focus on long-term (rather than short-term) projects, as the lack of long-term planning leads to negative impacts in recipient nations.<sup>72</sup> Additionally, according to the authors, restructuring U.S. assistance into a new

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<sup>65</sup> Ibid., 26.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid., 28.

<sup>68</sup> Leo Hindery, Jr, Jeffrey D. Sachs, and Gayle E. Smith, “Revamping U.S. Foreign Assistance,” *SAIS Review* XXVIII, no. 2 (2008): 49–56.

<sup>69</sup> Hindery, Sachs, and Smith, “Revamping U.S. Foreign Assistance,” 51.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

department will support the need to improve the skillsets and expertise of government personnel in managing and executing assistance programs.<sup>73</sup>

Radelet argues that even though the Bush administration was able to make small improvements with the U.S. foreign assistance framework (such as appointing a director of foreign aid within DOS), the reforms did not go far enough to address the foreign policy challenges that the United States faces.<sup>74</sup> Foreign assistance within the United States, in Radelet's perspective, remains outdated and fragmented. This is due to its historical evolution, in which the USG added programs as needed to address foreign policy issues, resulting in a system that is spread across 20 different executive branch agencies with little to no coordination.<sup>75</sup> This fragmentation and lack of coordination leads to confusion within the USG, but also becomes a strain on countries that are recipients of U.S. foreign assistance programs.<sup>76</sup> This bureaucracy and spider web of regulations as the procedural foundation for foreign assistance results in high administrative costs, a slow delivery process, and a lack of program efficiency.<sup>77</sup> These problems remain the core arguments against foreign assistance as a foreign policy and security tool.

## **2. Capacity Development**

As is further explored in Chapter III, many DHS international programs implemented by TSA, CBP, and USCG mention capacity development or building partner capacity as program objectives. This section presents a snapshot of the literature on capacity development to provide context and another lens for analysis.

Capacity development (CD) is a concept that emerged out of five decades of foreign assistance research and program implementation within the field of economic

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<sup>73</sup> Ibid.

<sup>74</sup> Steve Radelet, "Modernizing Foreign Assistance for the 21st Century: An Agenda for the Next U.S. President," Center for Global Development, 2008, 2, 9, [http://www.cgdev.org/sites/default/files/15561\\_file\\_ForAssist\\_USPres.pdf](http://www.cgdev.org/sites/default/files/15561_file_ForAssist_USPres.pdf).

<sup>75</sup> Radelet, "Modernizing Foreign Assistance," 9.

<sup>76</sup> Ibid., 10.

<sup>77</sup> Ibid.

development theory.<sup>78</sup> At the most basic level, CD as a discipline focuses on how to reduce poverty, increase the economic and social welfare of individuals in countries, address health crises and concerns, and otherwise improve the overall “quality of life” for citizens around the world. In its most complex description, CD seeks to understand the dynamics between culture, society, groups, nation-states, and individuals within those contexts. Since the 1950s, different concepts and terminologies have been utilized to describe the study and practice of economic development.<sup>79</sup> The terminology (such as “organizational development” or “institutional building”) helps define a country’s objectives in order to drive donor aid and projects. Lusthaus et al. argue that CD is an umbrella concept for the many other concepts/methodologies that have been applied within economic development; they base this argument on the historical evolution of economic development practices from institution building, to community development, organization development, and sustainable development.<sup>80</sup> This evolution has caused CD’s complexity, and different researchers and practitioners have varying approaches to the discussion. This section reviews a small sample size of work, but encompasses a broad range of perspectives from the origins and definitions of CD to strategies and implementation, as well as to practical application in the context of security.

Peter Morgan and the United Nations Development Program (UNDP) define capacity, capacity building, and capacity development as different things.<sup>81</sup> The UNDP has accepted CD as a process and utilizes it as an overarching strategy for working with program countries to achieve the “millennium development goals.”<sup>82</sup> They call on their member states to implement capacity development approaches, stating:

Capacity development is much more than supporting training programmes and the use of national expertise—these are necessary and on the rise, but

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<sup>78</sup> Lusthaus, Adrien, and Perstinger, “Capacity Development,” 2.

<sup>79</sup> Ibid., 2.

<sup>80</sup> Ibid., 2–3.

<sup>81</sup> Peter Morgan, *Capacity and Capacity Development—Some Strategies* (Gatineau, Quebec: Canadian International Development Agency, 1998), <http://www.seesac.org/sasp2/english/publications/7/capacity/4.pdf>; Kanni Wignaraja (ed), *Capacity Development Practice Note* (New York: United Nations Development Programme, 2008), [http://www.unpcdc.org/media/8651/pn\\_capacity\\_development.pdf](http://www.unpcdc.org/media/8651/pn_capacity_development.pdf).

<sup>82</sup> Wignaraja (ed), *Capacity Development Practice Note*, 4.

we must include response and support strategies for accountable leadership, investments in long-term education and learning, strengthened public systems and voice mechanisms between citizen and state and institutional reform that ensures a responsive public and private sector that manages and delivers services to those who need them most.<sup>83</sup>

The 2008 UNDP strategy provides a step-by-step process for member countries to engage, but also acknowledges that CD is an objective that can be met at different levels; within the enabling environment (or institutions), at the organizational level, at the individual level, or at all three.<sup>84</sup> Other authors and organizations acknowledge this relationship between capacity development and capacity building. Morgan states that CD “refers to the approaches, strategies, and methodologies which are used by national participants and/or outside interveners to help organizations and or/systems to improve their performance” and defines capacity separately as “the organizational and technical abilities, relationships and values that enable countries, organizations, groups and individuals at any level of society to carry out functions and achieve their development objectives over time.”<sup>85</sup> Morgan goes on to acknowledge that these can happen at any of the three levels—individual, organizational, or institutional. These levels of CD are critical to the frameworks for conducting capacity development, as they indicate the focal points of the activity, i.e., whether or not programs and projects should be focused on states (at the organizational level), on the individual people in the community or country, or on the institutions that make up a country’s laws, norms, and practices—whether informal or formal. Once an objective is determined, one can then move on to the model.

Lusthaus et al. provide a lengthy analysis of the definitions of and literature on CD and derive four models or approaches to CD—the organizational approach, the systems approach, the participatory process approach, and the institutional approach.<sup>86</sup> They also outline specific CD issues that should be addressed by donor nations or agencies in order to increase the effectiveness of their CD efforts. These issues help

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<sup>83</sup> Ibid.

<sup>84</sup> Ibid., p. 6

<sup>85</sup> Morgan, *Capacity and Capacity Development*, 2, 1.

<sup>86</sup> Lusthaus, Adrien, and Perstinger, “Capacity Development,” 5.

clarify the role of consensus building, political power, and technology. Morgan and Bolger also offer frameworks and models for implementing CD projects, but go a bit further to address the perspectives of the target countries and the imperative need for planning, monitoring, and ongoing evaluation.<sup>87</sup>

Across the literature, there is agreement that CD has been the most recent focus within development economics, and its terminology is now used to capture all of its predecessors' intent but also, and most importantly, to learn from past mistakes.<sup>88</sup> State capacity is a variation of CD that specifically examines the role of the state in relationship to its legal authority and its ability to protect and increase the welfare of its own citizens.<sup>89</sup> State capacity is the focus when discussing the role of capacity and security, whether it be economic security, human security, security from human rights abuses, or political violence. Royal Gardner makes the argument that the increase in aid post-9/11 is focused on anti-terrorism efforts (and awarding recipient nations that support fighting terrorism), but also argues that, if done effectively, development assistance can have a deterrent effect on terrorism by providing economic, social, and political stability in fragile states.<sup>90</sup> Hoebeke and Vlassenroot agree that CD and the focus on sustainability can increase political stability in a fragile state.<sup>91</sup>

This convergence between security and CD needs further exploration both because of the resources dedicated annually by the U.S. government as a whole and because of the importance of understanding the specific impacts of DHS' international CD efforts. If DHS is going to utilize CD as a tool, then at a minimum, they must study

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<sup>87</sup> Morgan, *Capacity and Capacity Development*; Joe Bolger, *Capacity Development: Why, What, and How* (Gatineau, Quebec: Canadian International Development Agency, 2000), <http://portals.wi.wur.nl/files/docs/SPICAD/16.%20Why%20what%20and%20how%20of%20capacity%20development%20-%20CIDA.pdf>.

<sup>88</sup> Lusthaus, Adrien, and Perstinger, "Capacity Development,"2.

<sup>89</sup> Neil A. Englehart, "State Capacity, State Failure, and Human Rights," *Journal of Peace Research* 46, no. 2 (2009): 163–80.

<sup>90</sup> Royal C. Gardner, "International Assistance, Sustainable Development and the War on Terrorism," *Environmental Law Review* 32 (2002): 31–33, <http://ssrn.com/abstract=1127984>.

<sup>91</sup> Koen Vlassenroot and Hans Hoebeke, "Fragile States and the International Response: In Pursuit of Security or Development?," *Africa Policy Brief* (September 2009): 3, [http://www.egmontinstitute.eu/papers/09/afr/0909-Afrbrief1-fragile\\_states-HH-KV.pdf](http://www.egmontinstitute.eu/papers/09/afr/0909-Afrbrief1-fragile_states-HH-KV.pdf).

the impacts, benefits, and lessons learned within the field of economic development. In *Poor Economics* by Abhijit V. Banerjee and Esther Duflo, although they focus on global poverty, the authors make arguments backed by random control trials that development programs can have impacts on local societies, and that monitoring, evaluating, and continual assessing (versus implementing broad sweeping policies and programs) results in increased improvement in individuals lives.<sup>92</sup> Today, although international program and assistance does exist within DHS, they are not actively researching CD models or frameworks, let alone their effectiveness. This thesis looks to start that conversation.

### C. CHAPTER CONCLUSION

In summary, these arguments are a more detailed discussion of one subset of foreign assistance. This review demonstrates what appears to be surface-level agreement that assistance is always geared to national interest, but what drives that interest is diverse. There is also agreement that foreign assistance evolves to meet U.S. challenges and that foreign assistance has a role in countering terrorism at home and abroad. The problem is determining if assistance programs are positively or negatively impacting security measures or the moral hazard of government.

With respect to this thesis research, however, arguments discussed in this chapter are relevant to DHS and how it conducts foreign assistance. The first and most prevalent would be the findings presented by Bandyopadhyay, Sandler, and Younas. Their work suggests that there is evidence of increased security measures when the U.S. provides assistance to stable regimes with specific ties to implementation of security measures. This methodology of providing assistance in terms of technical training and security programs is one type of assistance DHS provides to countries in order to increase the security of the international transportation system. Additionally, as presented by Larsdotter, deploying U.S. personnel to implement security measures is a tool that mitigates the negative consequences of providing assistance to fragile states. And finally, the discussion on restructuring U.S. foreign assistance to include DHS—or even the

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<sup>92</sup> Abhijit V. Banerjee and Esther Duflo, *Poor Economics: A Radical Rethinking of the Way to Fight Global Poverty* (New York: Public Affairs, 2011).

homeland security expertise as a whole— would afford an opportunity to better implement assistance programs.

Overall, the goal of this research is not to prove the effectiveness of the U.S. foreign assistance system with respect to homeland security (and specifically international transportation security), but instead is to build basic knowledge and establish a framework for understanding the international role of DHS for execution of its mission. But at the same time, as DHS engages in multiple programs and activities (detailed in Chapter III), the dynamics of foreign assistance are also items for consideration.

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### **III. GLOBAL TRANSPORTATION AND DHS INTERNATIONAL TRANSPORTATION SECURITY PROGRAMS**

DHS has a broad scope of authority and mission responsibilities that range from preventing terrorism and enhancing security to managing borders, responding and ensuring resiliency to natural disasters, and safeguarding critical infrastructure systems from pipelines, to information technology networks and energy.<sup>93</sup> Within the area of international transportation security, the U.S. Customs and Border Protection Agency (CBP), the Transportation Security Administration (TSA), and the U.S. Coast Guard (USCG) directly carry out programs and activities internationally. These activities include assessing aviation security procedures at foreign airports and screening cargo containers loaded on maritime vessels, as well as pre-clearing foreign citizens for customs entry to the United States at foreign airports.<sup>94</sup> These agencies also engage in training and technical assistance activities that help improve the aviation and maritime transportation security practices of foreign governments. Although DHS expends time, money, and resources on international transportation programs to combat terrorism within the international transportation system, its authority to operate in this environment is limited by a fragmented patchwork of regulations and agency mandates.

The goals of this chapter are to document how DHS implements international transportation security programs and why they implement these programs, as well as to uncover the challenges and limitations for program implementation and identify, if any, commonalities across programs. In order to reach these goals, this chapter outlines core DHS programs implemented by CBP, TSA, and USCG, as well as key legislative and statutory frameworks that enable their implementation. These programs and authorities serve as the basis of analysis for this thesis. This chapter also provides an overview of the global transportation network as context for understanding the purpose, complexity, and reach of these programs. Finally, this chapter enumerates the challenges encountered by

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<sup>93</sup> “Our Mission,” DHS, last modified July 16, 2015, <http://www.dhs.gov/our-mission>.

<sup>94</sup> DHS OIG, *Management of Department of Homeland Security*, 2.

DHS, TSA, CBP, and USCG. Understanding and dissecting these challenges provides support for the recommendations.

#### **A. THE GLOBAL TRANSPORTATION SYSTEM**

The global transportation system is complex, system of system that connects people, goods, and information across the globe in support of trade facilitation, the global economy, and human mobility.<sup>95</sup> It is best understood as many interconnected systems that move goods and people by different modes—such as trucks, airplanes, ocean vessels, and trains—through different nodes of critical infrastructure that—such as airports, seaports, waterways, roads, and rails. One simple shipment can be manufactured in China and move through multiple different countries via ship, truck, and airplane before it reaches its final destination.<sup>96</sup> Depending on the route, the global transportation system allows an individual to feasibly travel around the world in less than two days by air.

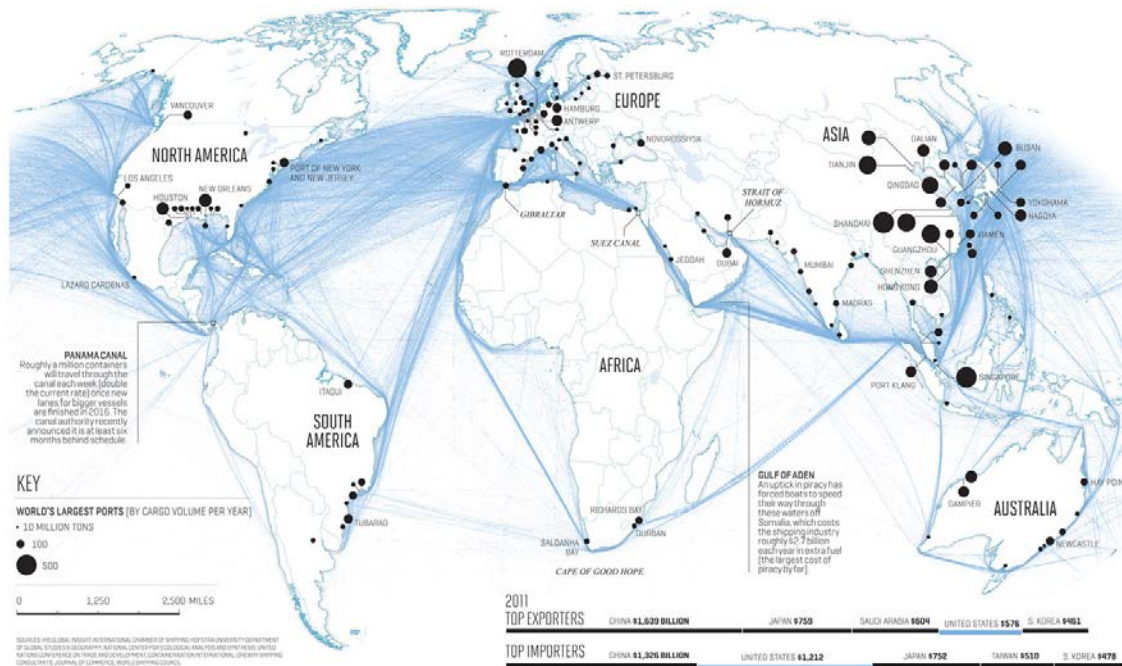
In support of this system, thousands of actors, including people, companies, and governments, work within and in parallel to the system to operate, secure, and regulate movement. Information and data are critical components of this system because they provide a mechanism for facilitation and security. The system is global, crossing borders, cultures, and political systems, and maritime and aviation are its two largest sectors (see Figures 1 and 2).

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<sup>95</sup> Paula Kaluza et al., “The Complex Network of Global Cargo Ship Movements,” *Interface* 7, no. 48 (July 2010): 1093, doi: 10.1098/rsif.2009.0517.

<sup>96</sup> Jean-Paul Rodrigue, “Transportation and Globalization,” Hofstra University, accessed February 27, 2016, 3, <http://rsif.royalsocietypublishing.org/content/7/48/1093.figures-only>.

Figure 1. Busiest Shipping Lanes and Largest Container Ports in 2011



Source: Aaron Pittman, “6 Maps That Explain Global Supply Chains,” The Network Effect, August 28, 2014, <http://supplychainbeyond.com/6-maps-explain-global-supply-chain/>.

Figure 2. Global Airline Routes



Source: “Keeping Track of Flight Tracking and E-Enablement Developments,” Future Travel Experience, July 9, 2014, <http://www.futuretravelexperience.com/2014/07/keeping-track-developments-flight-tracking-e-enablement/>.

Since the middle of the 20th century—when the advent of containerized cargo met low fuel prices and advanced telecommunications technology—global transportation has been a cornerstone of globalization.<sup>97</sup> With the benefits of increased trade and human mobility, there have also come increased vulnerabilities; the system itself is exploited as a vector for terrorist activity as well as a target of attack.<sup>98</sup> It is within this context that DHS operates alongside foreign authorities and commercial industries to enact and assess security measures that mitigate vulnerabilities.

## **B. DEPARTMENT OF HOMELAND SECURITY**

DHS is the primary umbrella department with mission responsibilities for international transportation security. The following section outlines the key statutory and legal authorities for DHS’ international mission. It also discusses the primary programs employed by DHS to achieve its mission.

### **1. Mission, Legal Authorities, and Organizational Structure**

DHS defines its role in international affair as focused on pushing out U.S. homeland security overseas to actively engage foreign partners and improve international cooperation.<sup>99</sup> The Homeland Security Act of 2002 is the enabling legislation for the Department; while this document defines specific authorities (such as reviewing visa applications, conducting investigations into consular matters, and advising and training consular officers on security threats outside of the United States), it does not outline specific actions or activities applicable to international transportation security. It does, however, loosely ascribe a relationship by acknowledging that DHS has a responsibility to promote “information and education exchange with nations friendly to the United

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<sup>97</sup> Rodrigue, “Transportation and Globalization,” 3.

<sup>98</sup> Organization for Economic Co-Operation and Development, *Terrorism and International Transport: Towards a Risk-Based Security*, vol. 144 (Paris: OECD Publishing, 2009), 11, [http://www.oecd-ilibrary.org.libproxy.nps.edu/transport/terrorism-and-international-transport/summary-of-discussions\\_9789282102329-2-en](http://www.oecd-ilibrary.org.libproxy.nps.edu/transport/terrorism-and-international-transport/summary-of-discussions_9789282102329-2-en).

<sup>99</sup> “Office of International Affairs,” DHS, last modified August 31, 2015, <http://www.dhs.gov/office-international-affairs>.

States in order to promote sharing of best practices and technologies related to homeland security.”<sup>100</sup>

Specific authorities and responsibilities for operating within the international transportation security environment lie in authorizing legislation enacted by Congress, for example the Maritime Security Act of 2002, the Security and Accountability for Every (SAFE) Port Act of 2006, and the Implementing Recommendations of the 9/11 Commission Act of 2007.<sup>101</sup> Some of DHS’ legal authorities were also carried over when the Department integrated responsibilities of other agencies upon its formation, or have been explicitly legislated by Congress through direct appropriations. For example, TSA assumed responsibility for the Civil Aviation Security Liaison Program upon the integration of security responsibilities formerly managed by the Federal Aviation Administration.<sup>102</sup>

DHS also gains authorities from the strategic framework and guidance outlined in national strategies across the USG, providing affirmation of its international role in security.<sup>103</sup> The *National Strategy for Homeland Security*, the *National Strategy for Combatting Terrorism*, and other federal strategic documents—such as the *National Strategy to Combat Weapons of Mass Destruction and International Outreach and Coordination Strategy for National Maritime Security*—each call on DHS for increased international involvement.<sup>104</sup> These strategies reference DHS’ capabilities in international transportation security and recognize their necessity; although they provide this affirmation, they do not specifically authorize or fund DHS’ international programs and activities.

This acknowledgement with the U.S. strategic framework is important in gaining insight into DHS’ role within the USG, but also into how it manages its international activities and the challenges and limitations for the Department. Fragmentation of these

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<sup>100</sup> DHS OIG, *Management of Department of Homeland Security*, 5.

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*, 6.

<sup>103</sup> *Ibid.*, 10.

<sup>104</sup> *Ibid.*

authorities accounts for some of the challenges that DHS currently experiences within the international environment, discussed later in this chapter.

## **2. Programs**

Very little direct program operation and implementation happens within DHS to secure the international inbound transportation system. With the exception of some direct engagement and information sharing with foreign partners and international organizations, DHS is primarily responsible for developing strategy and overall management of the Department's international activities.<sup>105</sup> Although the Homeland Security Act places the responsibility within the Office of International Affairs (OIA) for “developing, coordinating, and executing departmental international policy, including negotiating agreements with other countries, developing policy and program, interacting with foreign officials, and working with DHS personnel abroad,” they do not provide much coordinated engagement or strategic direction for TSA, CBP, or USCG.<sup>106</sup>

DHS OIA does participate in some international engagements with foreign partners and multilateral organizations, such as the European Commission and the Asia Pacific Economic Cooperation group, but the majority of work to accomplish improvements in global transportation standards and processes is completed by component agencies with little direct involvement from DHS. Lastly, DHS OIA focuses a significant amount of time on signing agreements with various partner countries and organizations in order to improve global transportation standards in support of the work that its component agencies perform.<sup>107</sup> Most notably, DHS OIA has entered into Global Supply Chain Security Agreements with the European Union and eight other international partners “to declare a mutual commitment toward the protection of the

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<sup>105</sup> Ibid., 7.

<sup>106</sup> Rebecca Gambler, *Border Security: Progress and Challenges in DHS's Efforts to Address High-Risk Travelers and Maritime Cargo* (GAO-15-668T) (Washington, DC: Government Accountability Office, June 2015), 1, 4, <http://www.gao.gov/products/GAO-15-668T>.

<sup>107</sup> “Office of International Affairs,” DHS.

supply chain system from terrorist attacks and disruptions, while facilitating and expediting the smooth flow of legitimate international trade.”<sup>108</sup>

## **C. U.S. CUSTOMS AND BORDER PROTECTION**

The CBP is the nation’s front-line agency for border control, immigration, and maritime trade security. CBP also has responsibilities—alongside TSA—for aviation supply chain security with respect to the clearance of cargo and shipments on commercial aircraft flying into the United States. This section outlines the key statutory and legal authorities for CBP’s international mission. Additionally, it discusses the organizational structure and primary programs employed by CBP to achieve this mission. While a full list of these programs can be found in Appendix A, a few programs are summarized within this section.

### **1. Mission, Legal Authorities, and Organizational Structure**

On March 1, 2003, in accordance with the Homeland Security Act of 2002, CBP became “the nation’s first comprehensive border security agency,”<sup>109</sup> charged with the mission to

safeguard America’s borders thereby protecting the public from dangerous people and materials while enhancing the Nation’s global economic competitiveness by enabling legitimate trade and travel.<sup>110</sup>

CBP is the DHS agency with the largest footprint of people and assets deployed at international locations to prevent bad actors and high-risk goods from entering the United States.<sup>111</sup> The scope of CBP’s mission is underscored by the approximately one million individual travelers that enter the United States via a land, sea, or air port of entry daily,

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<sup>108</sup> “International Engagement Rules,” DHS, last modified July 16, 2015, <http://www.dhs.gov/international-engagement-results>.

<sup>109</sup> “About CBP,” U.S. Customs and Border Protection (CBP), accessed February 27, 2016, <http://www.cbp.gov/about>.

<sup>110</sup> “About CBP,” CBP.

<sup>111</sup> DHS OIG, *Management of Department of Homeland Security*, 2; Gambler, *Border Security*, 2.



and the 11 million maritime containers that arrive at seaports throughout the United States annually.<sup>112</sup>

CBP characterizes its international activities within two large categories that are supported by its organizational structure: international initiatives and international operations.<sup>113</sup> International initiatives focus on a span of activities from international cooperation and multilateral and bilateral engagement, to signing international agreements with partner countries and implementing capacity-building programs.<sup>114</sup> These activities are managed within the OIA. International operations, on the other hand, focus on running and managing specific security programs often authorized and mandated by Congress, such as CBP's Preclearance program operations, currently deployed at 15 locations within six foreign countries.<sup>115</sup> Responsibility for developing and managing these programs, to include deploying personnel, falls to CBP's Office of Field Operations.<sup>116</sup> CBP has approximately 801 full-time equivalent personnel deployed in 43 countries to facilitate cooperation with international partners and directly carry out these programs.<sup>117</sup> In 21 of the 43 countries, CBP also operates attaché offices within U.S. embassies and consulates, which serve as the primary advisors to the U.S. ambassador or consul general of customs programs and CBP capabilities.<sup>118</sup>

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<sup>112</sup> *Eleven Years Later: Preventing Terrorists from Coming to America, Hearing before the House Committee on Homeland Security, Subcommittee on Border and Maritime Security*, 2012 (testimony of U.S. Customs and Border Protection Office of Field Operations Assistant Commissioner Kevin McAleenan), <https://www.dhs.gov/news/2012/09/11/written-testimony-us-customs-and-border-protection-house-homeland-security>.

<sup>113</sup> "International Initiatives," CBP, accessed February 27, 2016, <http://www.cbp.gov/border-security/international-initiatives>; "International Operations," CBP, accessed February 15, 2016, <http://www.cbp.gov/tags/international-operations>.

<sup>114</sup> "International Initiatives," CBP.

<sup>115</sup> "CBP Preclearance," CBP, accessed February 27, 2016, [https://help.cbp.gov/app/answers/detail/a\\_id/1640/~/cbp-preclearance](https://help.cbp.gov/app/answers/detail/a_id/1640/~/cbp-preclearance).

<sup>116</sup> "Preclearance Operations: Fact Sheet," CBP, accessed February 27, 2016, [http://www.cbp.gov/sites/default/files/documents/preclearance\\_factsheet\\_2.pdf](http://www.cbp.gov/sites/default/files/documents/preclearance_factsheet_2.pdf).

<sup>117</sup> Gambler, *Border Security*, 6.

<sup>118</sup> "International Initiatives," CBP.



A key piece of legislation mandating various activities and programs for CBP is the 2006 Security and Accountability for Every (SAFE) Port Act that targets the 100-percent screening of shipping containers travelling inbound to the United States.<sup>119</sup> The SAFE Port Act is an example of a comprehensive authorizing legislation, as it outlines the agency's legal mandate but also provides a specific funding stream with which to implement programs and establish requirements for the maritime shipping community.<sup>120</sup> First and foremost, the SAFE Port Act provides the legal authority for CBP to establish the Container Security Initiative (CSI) and "provide technical assistance, equipment, and training to foreign ports and governments in support of the initiative."<sup>121</sup> It also provides a legal framework to recognize CBP Customs-Trade Partnership against Terrorism programs, as well as its joint pilot with the Department of Energy to provide equipment to foreign partners and conduct remote screening of shipping containers being loaded in foreign countries, known as the Secure Freight Initiative (SFI).<sup>122</sup> These are three of CBP's largest global supply chain security programs mandated by congress.

CBP's Preclearance operations are at the forefront of its strategy to secure U.S. borders and extend the "zone of security" to facilitate passenger travel.<sup>123</sup> CBP is authorized to operate this program (and receives funding) through the Preclearance Authorization Act of 2015. This act codified the process by which CBP establishes an agreement with a foreign country to operate a Preclearance airport, outlines the process by which CBP must assess performance of customs processing times from Preclearance

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<sup>119</sup> Security and Accountability for Every Port Act of 2006, Pub. Law 347, 109 Congress, State. 1884 (2006).

<sup>120</sup> DHS OIG, *Management of Department of Homeland Security*, 7.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid; Stephen Caldwell, *Supply Chain Security: Feasibility and Cost-Benefit Analysis Would Assist DHS and Congress in Assessing and Implementing the Requirement to Scan 100 Percent of U.S.-Bound Containers* (GAO-10-12) (Washington, DC: Government Accountability Office, October 2009), 2, <http://www.gao.gov/products/GAO-10-12>.

<sup>123</sup> *The Outer Ring of Border Security: DHS's International Security Programs*, Hearing before the House Committee on Homeland Security, Subcommittee on Border and Maritime Security Hearing, June 2015, (statement by CBP Office of Field Operations Deputy Assistant Commissioner John Wagner), <https://www.dhs.gov/news/2015/06/02/written-testimony-cbp-house-homeland-security-subcommittee-border-and-maritime>.

sites, and coordinates with TSA to ensure various airports' aviation security measures are commensurate with U.S. aviation security requirements at regular intervals.<sup>124</sup>

CBP also develops and implements training and technical assistance programs to address various areas of customs and border security, including training programs that focus on “screening for weapons of mass destruction, port security, customs processing, border enforcement, and immigration inspection.”<sup>125</sup> CBP, as the primary USG representative to the World Customs Organization, is instrumental in engaging multilaterally with customs authorities worldwide to establish global standards for customs security practices and organization. CBP was one of the lead customs organizations responsible for the development of the Framework of Standards to Secure and Facilitate Global Trade, more commonly referred to as the SAFE Framework of Standards, in 2005.<sup>126</sup>

## **2. Programs**

The three largest international transportation security programs and activities are Preclearance Operations, the CSI, and the Immigration Advisory Program (IAP) (see Appendix A for more programs). This section summarizes each program, its stated purpose and objectives as characterized by CBP, and additional information relevant to the international transportation environment or DHS agencies.

### ***a. Preclearance***

CBP's Preclearance program is currently in place at 15 airports in six countries—Bermuda, Canada, Ireland, the United Arab Emirates, the Bahamas, and Aruba.<sup>127</sup> Preclearance, which is conducted by uniformed CBP officers in the country of departure, focuses on early enforcement of CBP's regulatory authority to screen passengers and their goods for customs entry and admissibility into the United States.<sup>128</sup> CBP officers

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<sup>124</sup> Preclearance Authorization Act of 2015, H.R. 998, 114 Congress (2015).

<sup>125</sup> DHS OIG, *Management of Department of Homeland Security*, 39.

<sup>126</sup> Caldwell, *Supply Chain Security*, 2.

<sup>127</sup> *Eleven Years Later* (testimony of Kevin McAleenan).

<sup>128</sup> *Ibid.*

within the United States hold the right and authority to re-inspect travelers as needed after arriving in the United States through standard customs procedures. CBP's regulatory authority, as mentioned previously, to conduct Preclearance Operations was granted by Congress, and enables CBP to work with foreign authorities to ensure that high-risk passengers do not board flights into the United States. In this arena, CBP operates with full authority; whereas in other programs, CBP holds a purely advisory role.<sup>129</sup> In 2014, CBP officers were able to facilitate the entry of approximately 17.4 million travelers at Preclearance locations, accounting for 21 percent of flights and 16 percent of passengers traveling into the United States.<sup>130</sup>

Establishing, approving, and operating a Preclearance location requires that CBP work with TSA. CBP is also required by legislative action to ensure that the aviation security standards applied at the requesting airport location meet TSA requirements. Joint security assessments are conducted by technical teams from CBP and TSA to approve locations, but also often result in recommendations for security improvements to host countries prior to starting up operations. CBP has sought additional authorization for an increase in Preclearance locations, and has received letters of interest from an additional 25 foreign airports.<sup>131</sup> CBP has approximately 568 staff located in its Preclearance facilities.<sup>132</sup>

***b. Container Security Initiative***

The CSI is a bilateral partnership with foreign government customs authorities through which CBP positions uniformed U.S. customs officers at foreign seaports to work alongside their counterparts. CBP officers use intelligence and automated risk analysis in order to identify shipments bound for the United States that are considered high-risk containers.<sup>133</sup> These shipments are then referred to the foreign customs officials for enhanced screening and scanning measures. CSI is a voluntary program developed

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<sup>129</sup> Preclearance Authorization Act of 2015.

<sup>130</sup> *Eleven Years Later* (testimony of Kevin McAleenan).

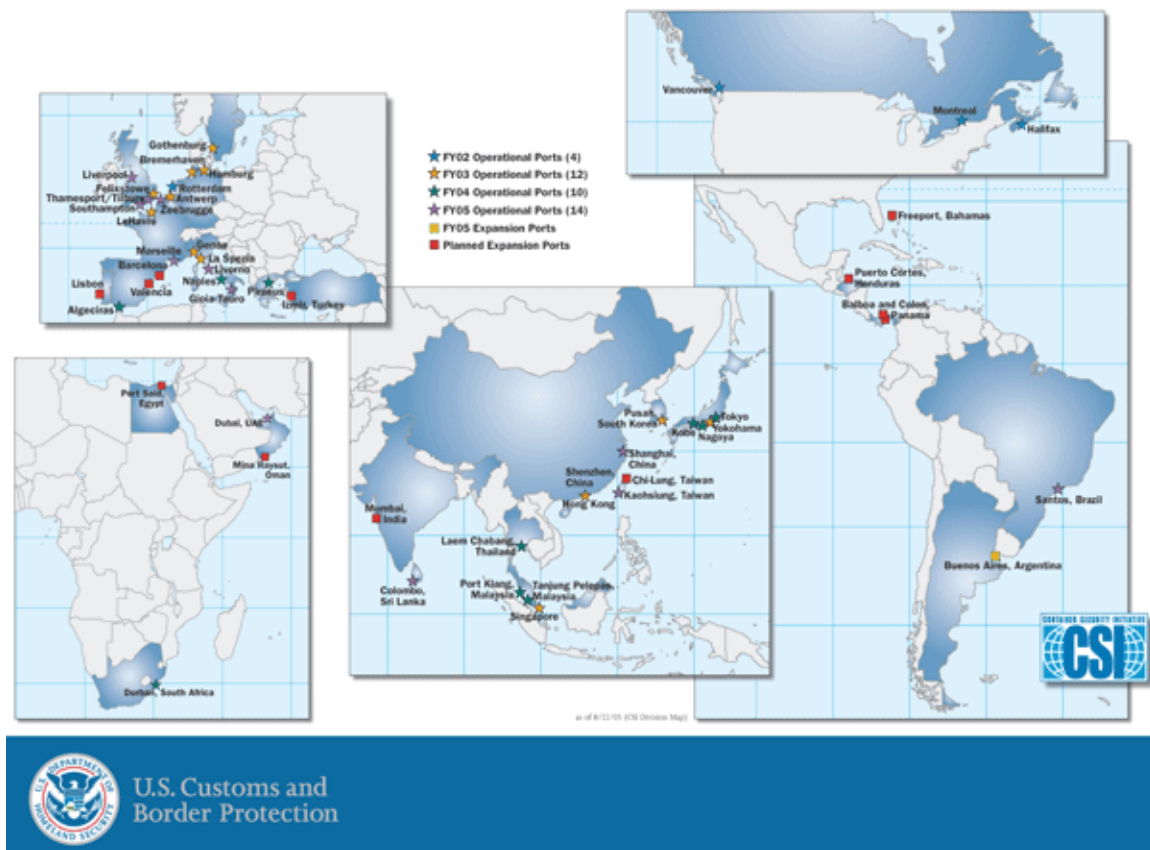
<sup>131</sup> Caldwell, *Maritime Security*, 14.

<sup>132</sup> Gambler, *Border Security*, 11.

<sup>133</sup> Caldwell, *Supply Chain Security*, 13.

and implemented by CBP in response to the SAFE Port Act requirements; it is deployed at 58 ports in 33 countries, which represents approximately 80 percent of the cargo coming inbound to the United States on cargo containerships (see Figure 3).<sup>134</sup> As of 2012, CBP had spent more than \$1 billion on deploying and managing the CSI program.<sup>135</sup>

Figure 3. Container Security Initiative Ports



Source: “Container Security Initiative,” Department of State, accessed February 27, 2016, [http://www.state.gov/cms\\_images/fy2005par\\_map\\_sg03\\_csi\\_600.gif](http://www.state.gov/cms_images/fy2005par_map_sg03_csi_600.gif).

<sup>134</sup> Ibid., 14.

<sup>135</sup> Ibid., 44.

**c. Immigration Advisory Program**

Through the IAP, CBP officers in plain clothes assist in “intercepting high-risk and improperly documented” materials. IAP officers also train and assist commercial air carriers and host country counterparts how to identify high-risk passengers, and share information on immigration practices to enhance international partnerships.<sup>136</sup> Training focuses on how to interview and observe passengers and most up-to-date document review procedures.<sup>137</sup> In 2012, IAP officers at foreign locations made over 3,000 “no board” recommendations.<sup>138</sup> CBP currently has 41 IAP officers in 11 airports within the United Kingdom, Germany, France, Japan, Mexico, Panama, Netherlands, Qatar, and Spain.<sup>139</sup>

**D. TRANSPORTATION SECURITY ADMINISTRATION**

The TSA secures multiple modes of transportation, most significantly the aviation transportation system, both for passengers and goods moving within and into the United States. International aviation security is a shared responsibility between TSA and CBP. This section outlines the key statutory and legal authorities for TSA’s international mission and discusses the primary programs and their objectives.

**1. Mission, Legal Authorities, and Organizational Structure**

The TSA’s primary mission is to secure the nation’s transportation network in order to “ensure the freedom of movement for people and commerce.”<sup>140</sup> Under the Aviation Transportation Security Act, TSA is required by to secure all modes of transportation in the domestic United States, including “international commercial aviation

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<sup>136</sup> “Customs and Border Protection’s Presence Abroad,” JCS Immigration Law, May 17, 2013, <https://jcsla.wordpress.com/2013/05/17/customs-and-border-protections-presence-abroad/>; DHS OIG, *Management of Department of Homeland Security*, 3.

<sup>137</sup> “Customs and Border Protection’s Presence Abroad,” JCS Immigration Law.

<sup>138</sup> *Ibid.*

<sup>139</sup> Gambler, *Border Security*, 11.

<sup>140</sup> “Mission,” Transportation Security Administration (TSA), accessed January 5, 2016, <https://www.tsa.gov/about/tsa-mission>.

operations.”<sup>141</sup> This mission is enabled by additional statutory requirements that extend beyond the physical borders of the United States.<sup>142</sup> Title 49 United States Code (USC) § 44907 requires TSA to conduct assessments of aviation security requirements at foreign airports that serve as a last point of departure into the United States.<sup>143</sup> More recently, after years of government discussion about the vulnerabilities of foreign repair stations and scope of authorities, TSA issued new regulations to codify the security assessment and compliance authority within its international compliance program.<sup>144</sup>

TSA’s international programs are managed by the Office of Global Strategies (OGS), which was created in 2007 to focus on TSA’s international mission space and “to increase security by working proactively with our foreign partners and overseas operations affecting the U.S.”<sup>145</sup> TSA’s international requirements and programs apply at approximately 280 airports with last points of departure inbound to the United States and 700 foreign repair stations across the globe.<sup>146</sup> In order to support this mission, TSA’s international personnel footprint extends beyond Washington, DC, to six regional operational centers that house more than 150 full-time personnel and support resources.<sup>147</sup>

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<sup>141</sup> Stephen M. Lord, *Aviation Security: TSA Has Taken Steps to Enhance its Foreign Airport Assessments, but Opportunities Exist to Strengthen the Program* (GAO-12-163) (Washington, DC: Government Accountability Office, October 2011), 4, <http://www.gao.gov/products/GAO-12-163>.

<sup>142</sup> Lord, *Aviation Security*, 7.

<sup>143</sup> John J. Daly, Jr., “Panel Discussion: International Harmonization,” Presented at the ACI-NA Public Safety & Security Committee, Toronto, Canada, August 13, 2014, [http://www.aci-na.org/sites/default/files/john\\_daly.pdf](http://www.aci-na.org/sites/default/files/john_daly.pdf).

<sup>144</sup> “TSA Issues New Security Rule for Aviation Repair Stations—What Does This Mean for Aircraft Maintenance Providers?” *Jones Day*, January 2014, 1–2, <http://www.jonesday.com/>.

<sup>145</sup> “TSA Announces New Office of Global Strategies,” TSA, accessed January 1, 2016, <https://www.tsa.gov/news/releases/2007/10/02/tsa-announces-new-office-global-strategies>.

<sup>146</sup> Daly, “Panel Discussion: International Harmonization,” 8.

<sup>147</sup> TSA maintains regional operations centers in Dulles, Virginia; Frankfurt, Germany; Singapore; Dallas, Texas; Miami, Florida; and Honolulu, Hawaii, in order to forward deploy Transportation Security Inspectors (TSIs) to all required global locations.

TSA focuses its mission internationally in three specific areas: “compliance, outreach and engagement, and capacity development.”<sup>148</sup> Those activities required by congressional mandate fall primarily within the area of compliance, but the TSA mission goes beyond its statutory requirements “to develop and promote the implementation of enhanced global transportation security processes and structures worldwide.”<sup>149</sup> Compliance activities are a critical component of OGS’ risk-based approach to identify aviation security risks, while outreach and engagement—in addition to capacity development activities—are developed and deployed to mitigate these risks.<sup>150</sup>

Outreach and engagement are accomplished with through TSA staff. Aside from the 150 full-time personnel, TSA forward deploys personnel to an additional 26 locations that are staffed with Transportation Security Area Representatives (TSARs) and International Industry Representatives (IIRs).<sup>151</sup> TSARs and IIRs, although responsible for all aspects of TSA’s mission, are most notably the primary conduits for TSA in the area of outreach and engagement.<sup>152</sup> The map in Figure 4 illustrates the global locations where TSA has personnel with international aviation security objectives and responsibilities.

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<sup>148</sup> *Strengthening International Cooperation on Aviation Security, Hearing before the House of Representatives Committee on Homeland Security, Subcommittee on Transportation Security*, 2011 (statement of TSA Assistant Administrator for Global Strategies John W. Halinski), <http://www.dhs.gov/news/2011/04/06/testimony-john-w-halinski-assistant-administrator-global-strategies-transportation>.

<sup>149</sup> *Strengthening International Cooperation on Aviation Security* (statement of John W. Halinski).

<sup>150</sup> Ibid.

<sup>151</sup> The placement of TSA Representatives (TSARs) is a carryover from what was originally a Federal Aviation Administration (FAA) program mandated by Congress. TSA took ownership of the Civil Aviation Security Liaison Officer Program in 2001. The Civil Aviation Security Liaison Office Program was originally implemented in response to the 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland. See DHS OIG, *Management of Department of Homeland Security*.

<sup>152</sup> Daly, “Panel Discussion: International Harmonization,” 9.

Figure 4. TSA Locations with Security Objectives



Source: Anna D. Hicki-Talarek, “The TSA Perspective on Airport Security,” presented at Airport Security 2014, 6, <http://www.airportsecurityconference.com/files/2014/10/Anna-D.Hicki-Talarek-TSA.pdf>.

TSARs are the principal liaisons responsible for developing and maintaining relationships with TSA’s civil aviation security authority counterparts across the globe. In this capacity, TSARs are also the primary contact for all aviation security-related matters for the entire USG, and serve as the key advisors to U.S. ambassadors, depending on how many countries fall within their respective areas of responsibility.<sup>153</sup> Their scope of responsibilities range from coordinating in-country response in the event of aviation security incident and facilitating access and logistics for foreign airports and repair stations, to representing and promoting U.S. security interests with foreign civil aviation authorities. IIRs provide specific security requirements for commercial air carriers, both

<sup>153</sup> Lord, *Aviation Security*, 6.



foreign and American, inbound to the United States.<sup>154</sup> IIRs are also critical links to all entities engaged in international aviation and often share information about security threats and strategic initiatives to mitigate threats both to industry stakeholders and associations across the globe.

The final pillar of TSA's global mission is capacity development. The focus of this mission area is "to enhance international aviation security performance and mitigate risk from inbound international air traffic by providing aviation security training or technology assistance to international partners."<sup>155</sup> TSA engages in regional and multilateral institutions and working groups to increase international aviation security standards.<sup>156</sup> At the multilateral level, TSA's primary engagement focuses on developing and assessing aviation standards under the U.N. International Civil Aviation Organization's *Annex 17 to the Convention on International Civil Aviation*.<sup>157</sup> TSA also participates in the Asia Pacific Economic Cooperation forum, the European Civil Aviation Commission, and other regional forums.<sup>158</sup> Bilaterally, TSA negotiates aviation security agreements based on specific partnerships, identified security needs, and mutual aviation security goals with many different countries to achieve its international objectives.<sup>159</sup> In coordination with the U.S. Department of State, TSA also loans aviation security equipment to countries in order to increase their respective security capabilities and aviation security practices.<sup>160</sup>

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<sup>154</sup> Daly, "Panel Discussion: International Harmonization."

<sup>155</sup> Anna D. Hicki-Talarek, "The TSA Perspective on Airport Security," presented at Airport Security 2014, 12, <http://www.airportsecurityconference.com/files/2014/10/Anna-D.Hicki-Talarek-TSA.pdf>.

<sup>156</sup> *International Aviation Standards Testimony of Vicki Reeder, Director Global Compliance*, 2012. <https://www.gpo.gov/fdsys/pkg/CHRG-111shrg70645/html/CHRG-111shrg70645.htm>.

<sup>157</sup> Lord, *Aviation Security*, 7.

<sup>158</sup> Hicki-Talarek, "The TSA Perspective on Airport Security," 10.

<sup>159</sup> "TSA Administrator Visits Yemen, Meets with International Security Officials in Germany," TSA, November 3, 2010, <https://www.tsa.gov/news/releases/2010/11/03/tsa-administrator-visits-yemen-meets-international-security-officials>.

<sup>160</sup> Lord, *Aviation Security*, 21.

## **2. Programs**

TSA deploys international security programs that fit into the mission and structure described in the previous subsection. For a full list of programs and their purposes, scopes, and objectives, see Appendix B. This section highlights two of TSA's larger programs, along with their agency-specific purposes and objectives, which highlight multiple attributes of TSA's mission.

### ***a. Foreign Airport Assessment Program***

The largest of TSA's internationally focused programs is the Foreign Airport Assessment Program (FAAP). As previously discussed, through the FAAP, TSA assesses foreign airports themselves as well as U.S. air carriers and foreign air carriers operating services in bound to the United States. TSA uses international regulations set by the U.N. International Civil Aviation Organization and its own security requirements to assess the effectiveness of measures applied at international airports and air carriers.<sup>161</sup> TSA inspects commercial air carriers under the Aircraft Operator Standard Security Program—applicable to U.S. air carriers—and the Model Security Program—applicable to foreign air carriers.<sup>162</sup> In 2013, TSA conducted 139 airport assessments and 1,665 air carrier inspections.<sup>163</sup>

### ***b. Capacity Development***

TSA provides targeted capacity development training to address international vulnerabilities discovered through FAAP, but also those discovered through a comprehensive risk analysis that considers multiple factors, such as threat information on countries, airports, and flight information, as well as consequence impacts of a potential attack on the international transportation network.<sup>164</sup> Within its capacity development focus, TSA deploys training programs that focus on preventative security measures, crisis

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<sup>161</sup> Lord, *Aviation Security*, 8.

<sup>162</sup> GAO, *Aviation Security: Foreign Airport Assessments and Air Carrier Inspections Help Enhance Security, but Oversight of These Efforts Can Be Strengthened* (GAO-07-729) (Washington, DC: Government Accountability Office, May 2007), 22, <http://www.gao.gov/new.items/d07729.pdf>.

<sup>163</sup> Hicki-Talarek, "The TSA Perspective on Airport Security," 19.

<sup>164</sup> Lord, *Aviation Security*, 13.

management, basic security training, cargo security inspections, and training for partner government programs.<sup>165</sup> In 2014, TSA deployed two new advanced training programs to assist in increased partner capacity focused on risk management and behavior detection.<sup>166</sup> TSA also expanded its training curriculum by piloting a new course in air cargo security.<sup>167</sup> In total, TSA conducted 42 training activities for 50 countries in FY 2013.<sup>168</sup>

In order to supplement this training and focus on longer-term improvements in airport security standards, TSA employs its Aviation Security Sustainable International Standards Team Program, which consists of six to seven individuals for one-week partnerships with respective host nations.<sup>169</sup> Under this program, TSA has engaged with countries like St. Lucia, Liberia, Georgia, Palau, and Haiti.<sup>170</sup>

## **E. U.S. COAST GUARD**

Maritime and port security related to vessel security, crew vetting, and port infrastructure falls within the responsibilities of the USCG. These responsibilities are carried out in close coordination with CBP. This section outlines the key statutory and legal authorities for the USCG's international mission. Additionally, it discusses the primary programs and their purposes and objectives.

### **1. Mission, Legal Authorities, and Organizational Structure**

The USCG is a unique entity, as it is both a component agency of DHS as well as one of the five armed forces of the United States.<sup>171</sup> As such, USCG not only carries out its mission for homeland security, but is often forward deployed overseas to support the DOD in various aspects of its national security mission—for example, Operation Iraqi

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<sup>165</sup> *Strengthening International Cooperation on Aviation Security* (statement of John W. Halinski).

<sup>166</sup> Hicki-Talarek, "The TSA Perspective on Airport Security," 19.

<sup>167</sup> *Ibid.*

<sup>168</sup> *Ibid.*

<sup>169</sup> Lord, *Aviation Security*, 54.

<sup>170</sup> *Ibid.*, 55.

<sup>171</sup> "About Us," United States Coast Guard (USCG), last modified February 10, 2016, <http://www.uscg.mil/top/about/>.

Freedom and Operation Enduring Freedom.<sup>172</sup> Similar to CBP, USCG has a long history within the USG for carrying out any of its 11 statutory mission areas.<sup>173</sup> With respect to international transportation security under DHS' mission, USCG is the foremost agency charged with engaging in international port and maritime security efforts, conducting inspections of U.S. flagged ships, conducting port security assessments in line with the International Ship and Port Facility Security (ISPS) Code and providing training and technical assistance to foreign counterparts to improve the implementation of port and maritime security standards.<sup>174</sup>

The *Maritime Security Act of 2002* (MTSA) requires the Coast Guard to “assess the effectiveness of antiterrorism measures at foreign ports that host U.S.-bound vessels, and other ports deemed a risk to international maritime commerce.”<sup>175</sup> Through the MTSA, Congress also requires USCG to conduct port security training for ports found deficient in maintaining effective security measures while setting conditions for vessels arriving from those countries to enter the United States.<sup>176</sup> The SAFE Port Act required USCG to conduct these assessments at regular intervals to ensure ongoing assessment of international port vulnerabilities.<sup>177</sup>

USCG manages its international operations across four different directorates and both area commands; the Office of International Affairs and Foreign Policy provides Coast Guard leadership with strategy and input on its international programs and activities.<sup>178</sup> The International Training Division manages USCG's International Mobile Training Branch, which is regularly deployed at international port locations to train and instruct foreign partners. USCG also conducts training missions in line with its FMS activities under an agreement with the DOS.<sup>179</sup>

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<sup>172</sup> DHS OIG, *Management of Department of Homeland Security*, 3.

<sup>173</sup> <http://www.uscg.mil/history/MissionsIndex.asp>

<sup>174</sup> DHS OIG, *Management of Department of Homeland Security*, 3.

<sup>175</sup> *Ibid.*, 6.

<sup>176</sup> *Ibid.*

<sup>177</sup> *Ibid.*, 7.

<sup>178</sup> *Ibid.*, 14; Traina, “Advancing U.S. Foreign Policy,” 57.

<sup>179</sup> DHS OIG, *Management of Department of Homeland Security*, 39.

USCG is also the lead agency for multilateral collaboration with the International Maritime Organization (IMO), an agency within the United Nations that develops international regulatory requirements for maritime safety and security.<sup>180</sup> As the USG point organization, USCG represents U.S. interests in developing global maritime security standards, but also facilitates international partnerships for DHS and enacts capacity building programs as agreed to within the IMO regulatory framework.<sup>181</sup>

## **2. Programs**

The largest international transportation security programs and activities analyzed within this research are the ISPS Port Facility Assessments, FMS, and the deployment of mobile training teams and the mobile training team deployment. A full list of USCG programs with a nexus to global transportation security can be found in Appendix C. This subsection provides a summary of each program, its stated purpose and objectives, and additional information relevant to the international transportation environment and DHS.

### ***a. ISPS Facility Security Assessments***

USCG's ISPS Program was established in 2003 to ensure that the implementation of the ISPS Code, as required by the IMO, was followed at sea ports around the world for ships entering the United States. USCG's assessment program is mandated under the MTSA. The ISPS code is an internationally recognized standard for port and maritime security measures. Under the program, USCG assesses the implementation of security and other anti-terrorism security measures that are in place at foreign seaports.<sup>182</sup> The measures used as a basis for assessment include cargo and baggage screening, access controls, and other requirements essential to a port's overall security management program.<sup>183</sup>

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<sup>180</sup> "USCG IMO Homepage," USCG, last modified February 26, 2016, <http://www.uscg.mil/imo/>.

<sup>181</sup> Sean Moon, "The Asia-Pacific Economic Cooperation," *Proceedings of the Marine Safety & Security Council* 68, no. 4 (Winter 2011–2012): 29, [http://www.uscg.mil/proceedings/archive/2011/Vol68\\_No4\\_Wint2011-12.pdf](http://www.uscg.mil/proceedings/archive/2011/Vol68_No4_Wint2011-12.pdf).

<sup>182</sup> DHS OIG, *Management of Department of Homeland Security*, 116.

<sup>183</sup> Stephen L. Caldwell, *Maritime Security: Progress and Challenges 10 Years after the Maritime Transportation Security Act* (GAO-12-1009T) (Washington, DC: Government Accountability Office, 2012), 12, <http://www.gao.gov/assets/650/647999.pdf>.

International Port Security liaison officers work closely with foreign government counterparts to build relationships that enable USCG to not only assess security measures at ports, but more importantly to share and align port security practices, identify areas of vulnerability, and address deficiencies through targeted training and continued collaboration.<sup>184</sup> The USCG assessment program works with government authorities and port officials in more than 150 countries to ensure our foreign partners are continuing to grow “in their operational capabilities, situational awareness, and maritime governance.”<sup>185</sup>

***b. Foreign Military Sales***

USCG operates FMS program that assists nations in strengthening their maritime security posture and services while establishing “a direct and mutually beneficial relationship between the government of allied/friendly sovereign government and the U.S. government.”<sup>186</sup> Through FMS, the USCG provides both “excess and new-construction vessels” to client nations selected by the USG under both the *National Defense Authorization Act of 2006* and *Foreign Assistance Act of 1961*, as amended.<sup>187</sup> In order to supplement equipment sales and purchases to further increase capacity to utilize the equipment, USCG provides countries and port operations with access to search-and-rescue planning tools and equipment, as well as training on how to use the equipment properly under all conditions.<sup>188</sup> In the past five years, the USCG has managed approximately \$100 million in sales, but more important has completed sales to over 22 different countries.<sup>189</sup>

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<sup>184</sup> “International Port Security Program,” USCG, last modified January 12, 2016, [http://www.uscg.mil/d14/feact/Maritime\\_Security.asp](http://www.uscg.mil/d14/feact/Maritime_Security.asp).

<sup>185</sup> “International Port Security Program,” USCG.

<sup>186</sup> “Acquiring Assets through Foreign Military Sales,” USCG, last modified February 2, 2016, <http://www.uscg.mil/acquisition/international/fms.asp>.

<sup>187</sup> “Foreign Military Sales (FMS),” USCG, last modified January 12, 2016, <http://www.uscg.mil/international/fms.asp>; “Coast Guard Executes Multiple Foreign Military Sales Agreements,” USCG, October 1, 2012, <http://www.uscg.mil/acquisition/newsroom/updates/opc100112.asp>.

<sup>188</sup> “Acquiring Assets through Foreign Military Sales,” USCG.

<sup>189</sup> DHS OIG, *Management of Department of Homeland Security*, 118.

**c. Mobile Training Teams**

Through its mobile training teams, the USCG trains approximately 2,000 students in an estimated 60 countries annually.<sup>190</sup> Training and technical assistance programs for international students ranges from maritime law enforcement to port security/safety/environmental protection, and can also be more specific to the vulnerabilities assessed through the ISPS assessment team or to the specific requirements and needs of the host nation.<sup>191</sup> The USCG is able to tailor its training programs through the curriculum, language, and delivery mechanism. This makes it flexible and effective for small groups, audiences with many different agencies attending, or several nations in a regional forum.<sup>192</sup> Instructors are trained in foreign languages and curriculum is available in multiple languages to make the training more accessible to host government personnel and in order to more easily integrate the curriculum into the nation's training program.<sup>193</sup> Mobile training teams are deployed for an average of 100 training missions a year.<sup>194</sup>

**F. CHALLENGES FOR DHS, TSA, CBP, AND USCG**

Challenges and limitations for DHS, CBP, TSA, and USCG are characterized, for simplicity, into two broad categories—internal and external challenges. Internal challenges refer to those presented within the management and oversight structure of DHS itself, in addition to the challenges experienced by DHS in relation to other government agencies, most notably the DOS. External challenges are those within the international environment that impact program execution or sustainability because of the dynamics of working with foreign partners, whether they be legal, political, or cultural constraints.

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<sup>190</sup> USCG, *Mobile Training & Education Teams*, 9th edition (Washington, DC: United States Coast Guard), 4, <http://www.uscg.mil/INTERNATIONAL/docs/ITD%20Catalog%20-%209th%20Ed.pdf>.

<sup>191</sup> “International Mobile Training Branch,” USCG, accessed February 27, 2016, <http://www.uscg.mil/tcyorktown/international/itd/>.

<sup>192</sup> “International Mobile Training Branch,” USCG; DHS OIG, *Management of Department of Homeland Security*, 39.

<sup>193</sup> DHS OIG, *Management of Department of Homeland Security*, 39.

<sup>194</sup> *Ibid.*

The internal challenges for DHS center around two main themes. First, given the legal and statutory framework that directs DHS' global transportation mission, DHS has limited authority to engage in international programs—this authority is especially limited in the area of training and technical assistance.<sup>195</sup> Although CBP and USCG have direct authority to engage in training and technical assistance, they are limited to only those initiatives directly granted by Congress, for example, the SAFE Port Act and CBP's training programs. Agencies, independently, do not have enough broad authority to engage globally on security initiatives, which sometimes results in DHS being left out altogether in activities that could benefit from its subject-matter expertise.<sup>196</sup> This has been the case in multiple projects initiated by DOS, to include the development and implementation of “an inbound immigration system for a host nation”<sup>197</sup> without the participation of CBP, and a border water patrol project without the participation of USCG.<sup>198</sup> These are only two limited examples.

The need to coordinate and operate within the DOS and USAID management structure also impacts both DHS and the DOS.<sup>199</sup> For the DOS, there is an increase in costs associated with providing the supporting operating framework needed to house DHS resources and assets.<sup>200</sup> For both departments, a lack of structure and communication, in addition to a lack of coordinated strategic priorities, causes significant problems with aligning foreign policy priorities.<sup>201</sup> This misalignment causes confusion with foreign partners and results in redundancies in programs and activities across the USG. DHS' inability to coordinate with DOS training and technical assistance also results in a lack of funding for assistance activities and therefore missed opportunities.

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<sup>195</sup> Ibid., 41.

<sup>196</sup> Ibid.

<sup>197</sup> Ibid., 44.

<sup>198</sup> Ibid., 44.

<sup>199</sup> GAO, *Combatting Terrorism*, 9.

<sup>200</sup> DHS OIG, *Management of Department of Homeland Security*, 50.

<sup>201</sup> GAO, *Combatting Terrorism*, 38.



Lastly, although DHS technically does have an operating structure for managing international programs and activities, the structure has not been sufficiently resourced or staffed to provide a guiding direction to TSA, CBP, and USCG regarding international efforts.<sup>202</sup> CBP, USCG, and TSA maintain their own offices to manage international affairs and efforts that include policy, staff management, training programs, and international policies and plans; component agencies are not aware of any coordination efforts within DHS.<sup>203</sup> This structure has led to uncoordinated strategic planning within DHS. DHS and its agencies have also struggled with a lack of funding as well as problems with program implementation and management, performance measurements, and overall program sustainability.<sup>204</sup> TSA in particular has struggled with collecting and analyzing data from its FAAP program to identify security vulnerabilities or target training activities that could assist in measuring program performance and security impact.<sup>205</sup>

Externally, the challenges are a function of operating in the international environment. One of the primary external constraints for DHS, TSA, CBP, and USCG surrounds the extraterritoriality of U.S. law. Although Congress directs program implementation and provides authority within the U.S. statutory framework, when operating globally, agencies are often challenged by foreign government counterparts with national sovereignty.<sup>206</sup> Both TSA and the USCG have experienced issues with airport and seaport access; although both agencies have been mandated to assess security procedures at foreign locations, they have been denied access to these facilities by local governments.<sup>207</sup>

Additionally, depending on the type of program and its requirements, host countries may not have the resources or political will to fulfill the U.S. requirements. The

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<sup>202</sup> Ibid., 28.

<sup>203</sup> DHS OIG, *Management of Department of Homeland Security*, 36.

<sup>204</sup> Caldwell, *Maritime Security*, 16–25.

<sup>205</sup> Lord, *Aviation Security*, 32.

<sup>206</sup> Caldwell, *Maritime Security*, 21.

<sup>207</sup> Lord, *Aviation Security*, 17.

Secure Freight Program was discontinued in Hong Kong in April 2009 because of concern about funding for ongoing equipment and infrastructure costs, as well as costs associated with decreased port operational efficiency.<sup>208</sup> DHS also runs into situations in which countries simply disagree with the security requirements being implemented based on differences of perceived risk and the impacts of the intended security measures. For example, with respect the 100-percent scanning requirements as implemented by the SAFE Port Act, European and Asian customs officials do not believe the risk of terrorist attack is commensurate with U.S. congressionally mandated requirements.<sup>209</sup> These logistical and technological challenges have not been overcome to date and, as a result, SFI ports have been reduced from six seaports to one—Port Qasim, Pakistan.<sup>210</sup>

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<sup>208</sup> Ibid., 16.

<sup>209</sup> Caldwell, *Maritime Security*, 17.

<sup>210</sup> Ibid., 46.

## IV. ANALYSIS: DHS WITHIN THE U.S. FOREIGN ASSISTANCE FRAMEWORK

The U.S. foreign assistance system and associated instruments of foreign policy have evolved since the end of World War II with respect to funding, resource composition, USG agency responsibilities, and policy goals.<sup>211</sup> After September 11, 2001, the focus of U.S. foreign assistance programs shifted from post-Cold War humanitarian objectives to terrorism.<sup>212</sup> As a result of this shift, DHS—and specifically CBP, TSA, and USCG, as outlined in the previous chapter—play a more significant role within the international transportation security environment.<sup>213</sup> Because of historical experience and DHS’ need to operate within the traditional foreign assistance context, this thesis uses one model of U.S. foreign assistance as the basis of analysis to examine the myriad programs discussed in Chapter III. Analyzing these programs through this framework provides an opportunity to evaluate the scope of DHS programs, reinforce previously outlined challenges, and frame any additional limitations not previously outlined.

The first section of this chapter provides an overview of foreign assistance and how the system functions across the USG. It will walk through the basic evolutionary milestones of U.S. foreign assistance policy in order to understand how national objectives have shifted to include transportation security and global terrorism.<sup>214</sup> The next section defines one type of structure for understanding the many branches and objectives of foreign assistance activities. Because of the evolution of U.S. foreign assistance, there now exists an intricate web of legislative acts and policy objectives that span across the whole USG, although the funding and management remain primarily within the scope and authority of DOS through USAID. With this type of legal and

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<sup>211</sup> Curt Tarnoff and Marian Leonardo Lawson, *Foreign Aid: An Introductory Overview of U.S. Programs and Policy* (CRS Report No. R40213) (Washington, DC: Congressional Research Service), 1, February 2011, <https://www.fas.org/sgp/crs/row/R40213.pdf>.

<sup>212</sup> Tarnoff and Lawson, *Foreign Aid*, 1; Lai, “Examining the Goals.”

<sup>213</sup> DHS OIG, *Management of Department of Homeland Security*, 41.

<sup>214</sup> Organization for Economic Co-Operation and Development, *Terrorism and International Transport*, 1.

management structure, there are also many ways to slice and dice the foreign assistance framework.<sup>215</sup> For the purposes of this thesis, a simple definitional model was used as the basis for analysis and a crosswalk of the international programs and activities implemented by DHS were analyzed based on these definitions. The third section of this chapter provides the findings that resulted from this crosswalk of DHS programs and the U.S. foreign assistance framework (see Appendix D for a comprehensive analysis of all DHS programs).

#### **A. U.S. FOREIGN ASSISTANCE**

In its simplest form, foreign assistance is just that—assistance in some form or another—whether it be funding, training, equipment, etc.—the USG provides to other countries for a purpose. It most often takes the form of grants, loans, donations, direct assistance, equipment, technical training, commodities, or direct cash transfers.<sup>216</sup> The purpose or objective can fluctuate and is driven by the interests of the specific agency offering the assistance, or the geopolitical context in which it is being offered. At the highest level, “there are three primary rationales for foreign assistance—national security, commercial interests, and humanitarian concerns.”<sup>217</sup> These three basic rationales create a web of statutory regulations, agency scopes of authorities, definitions, and rules about how assistance can be allocated, what form it should take, and what ultimate purpose it can serve. U.S. foreign assistance is also highly elastic, as it is subject to the ubiquitous political tension between U.S. domestic and foreign policy goals and ongoing political discourse; this makes foreign assistance the constant subject of debate, whether it is over the size of budget, composition of assistance programs, or goals and objectives of the various assistance programs across the USG.<sup>218</sup> Due to the focus on containing communism, national security was the largest objective for assistance programs for most

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<sup>215</sup> Tarnoff and Lawson, *Foreign Aid*, 3–7.

<sup>216</sup> *Ibid.*, 1.

<sup>217</sup> *Ibid.*

<sup>218</sup> *Ibid.*

of the 20th century. In the later part of the 20th and beginning of the 21st century, the focus shifted to civil conflict and terrorism.<sup>219</sup>

The DOS and the U.S. Agency for International Development, overseen by the Secretary of State, have the most responsibility for managing foreign assistance programs within the USG, with some authority provided for the DOD with respect to military assistance.<sup>220</sup> The majority of U.S. foreign assistance is managed and administered by USAID, but depending on the type of aid program and its objectives, a program may be administered and implemented by a single agency or may be administered by one agency and implemented by another or multiple other agencies.<sup>221</sup> Although there are three primary rationales of foreign assistance, there are many subcategories. Some of these objectives include promoting trade, curbing weapons, protecting human rights, strengthening allies, improving governance, providing basic education, curbing drug production and human trafficking, and protecting the environment (see Appendix E for a full list of FY 2006–2010 objectives).

## **1. History**

Although the United States had contributed economic aid in small quantities in the early part of the 20th century, the majority of this assistance was in the form of private capital investment and not a national program.<sup>222</sup> In March 1947, President Truman, with a request for \$400 million to provide Turkey and Greece with military and economic assistance against Soviet expansion, ushered in the U.S. foreign assistance program alongside the Truman Doctrine and the U.S. policy of containment.<sup>223</sup> World War II's devastation across Europe became a significant concern to the United States, causing economic and political concerns that Europe could fall victim to Soviet

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<sup>219</sup> Richard F. Grimmett, "The Role of Security Assistance in Historical Perspective," in U.S. *Security Assistance: The Political Process*, eds. Ernest Graves and Steven A. Hildreth (Lexington, MA: D.C. Heath, 1985).

<sup>220</sup> Tarnoff and Lawson, *Foreign Aid*, 23–25.

<sup>221</sup> Ibid.

<sup>222</sup> Grimmett, "The Role of Security Assistance."

<sup>223</sup> Ibid., 4.

expansion due to its inability to recover economically. Additional concerns about Europe's ability to purchase U.S. exports resulted in the Marshall Plan and approximately \$13 billion in aid for reconstruction from the years 1948 to 1951; the objectives of the program were "to permit the emergence of political and social conditions in which free institutions can exist."<sup>224</sup> The idea of collective security, combined with U.S. economic and political interests, continued to focus foreign assistance on Europe and then shifted to Asia with the fall of China to Mao Tse-tung and the respective removal of Chiang Kai-Shek.<sup>225</sup> Military and economic assistance remained the critical objective for foreign assistance throughout much of the 1950s with the collapse of the French in Indochina and the communist influences growing stronger in Vietnam.

With Presidents Kennedy and Johnson, due to the successes of the previous programs, economic and military aid continued to be a focus of assistance policy, along with the added focus on conflict prevention and humanitarian efforts.<sup>226</sup> The objectives were supported by the creation of USAID in 1961, and with its mission is to "partner to end extreme poverty and promote resilient, democratic societies while advancing our security and prosperity."<sup>227</sup> The creation of USAID happened in parallel with the Foreign Assistance Act, which promoted long-term economic, social development, and humanitarian aid.<sup>228</sup> These additional goals were implemented to increase the "bang for the buck" for the United States.<sup>229</sup>

The lack of military success in Vietnam, however, eroded support and confidence in security assistance programs. From 1972 until approximately 1983, Congress and the

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<sup>224</sup> Barry Eichengreen and Marc Uzan, "The Marshall Plan: Economic Effects and Implications for Eastern Europe and the Former USSR." *Economic Policy* 7, no. 14 (April 1992): 13, doi: 10.2307/1344512; Grimmett, "The Role of Security Assistance," 5.

<sup>225</sup> Grimmett, "The Role of Security Assistance," 8.

<sup>226</sup> *Ibid.*, 13.

<sup>227</sup> Department of State, *Strategic Plan: FY 2014–2017* (Washington, DC: Department of State and USAID, 2014), 6, <http://www.state.gov/s/d/rm/rls/dosstrat/2014/pdf/index.htm>.

<sup>228</sup> Department of State, *Strategic Plan: FY 2014–2017*, 6; The U.S. Foreign Assistance Act of 1961, Pub. Law. 87–195, Sec. 101.3 (1961).

<sup>229</sup> Tarnoff and Lawson, *Foreign Aid*, 3.

public began to further scrutinize security assistance programs.<sup>230</sup> The onset of increased tension between the Arab world—particularly in Egypt and Israel and in the Iranian Revolution and the fall of the Shah—shifted the focus of assistance to the Middle East.

When the Cold War ended, the United States lacked a coherent ideology and focus for foreign and national security policy and its execution.<sup>231</sup> The Clinton administration began to focus on sustainable development through a variety of USAID objectives, such as promoting democratic principles and world population stabilization, “building human capacity through education and training, and meeting humanitarian needs.”<sup>232</sup> With the Bush administration—particularly after September 11, 2001—foreign assistance became a key strategic pillar of U.S. foreign policy; rapidly, assistance expenditures increased from \$11.2 billion in 2000 to \$22.9 billion in 2006.<sup>233</sup> This shift led to the current state of U.S. foreign assistance, riddled with various legislative authorities, regulations, and restrictions (see Appendix F for a list of legislative milestones).

## **2. Challenges**

Because of this wide spectrum of objectives within the foreign assistance discipline, there is considerable overlap between agencies, programs, and funds, but there is no clear objective, scope, or type of assistance specified exclusively for DHS or its specific transportation security mission areas. As foreign assistance has become a great focus of U.S. national security strategy over the past three administrations, over 50 different agencies have been involved, leading to redundancies, poor communication, and competing priorities.<sup>234</sup> “At best the lack of integration means that the U.S. fails to take

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<sup>230</sup> Grimmett, “The Role of Security Assistance,” 26.

<sup>231</sup> Radelet, p. 4.

<sup>232</sup> Tarnoff and Lawson, *Foreign Aid*, 3.

<sup>233</sup> Radelet, “Modernizing Foreign Assistance,” 5.

<sup>234</sup> Larry Nowels and Connie Veillette, *Restructuring U.S. Foreign Aid: The Role of the Director of Foreign Assistance* (CRS Report No. RL33491) (Washington, DC: Congressional Research Service, 2006), 3, <https://www.fas.org/sgp/crs/row/RL33491.pdf>; Lael Brainard, “U.S. Foreign Assistance: Advancing National Security, Interests, and Values,” Brookings, April 23, 2008, 2, [www.brookings.edu/research/testimony/2008/04/23-foreign-assistance-reform-brainard](http://www.brookings.edu/research/testimony/2008/04/23-foreign-assistance-reform-brainard).

advantage of potential synergies; at worst, these disparate efforts work at cross purposes.”<sup>235</sup>

In light of this challenge and the “slow and cumbersome” DOS process for assistance activities, the DOD lobbied Congress for a separation of authorities.<sup>236</sup> Section 1206 of the National Defense Authorization Act for FY2006 authorizes and funds the DOD to provide quick deployment of training and equipment in support of foreign security forces, provided that “it is clear that these forces are the most suitable for the task.”<sup>237</sup> As discussed in more detail within Chapter II, the goals and state objectives of foreign assistance do not always align with their outcomes. The potential benefits and harmful effects of money and equipment have yet to be fully proven.

### **3. Framework for Analysis**

Foreign assistance and foreign aid are often interchangeable terminologies and there is no one single definition across the USG.<sup>238</sup> For the purposes of this research, a baseline definition for foreign assistance is a tool or instrument to promote U.S. foreign policy, often in one of the following forms: grants, loans, donations, direct assistance, equipment, technical training, commodities, or direct cash transfers.<sup>239</sup> There are five major funding accounts that help structure foreign assistance environment. The existence of multiple breakdowns for foreign assistance was a learned constraint for this research. For this reason, in addition to the complexity of other breakdowns demonstrated in Appendix E, the simplest breakdown of U.S. foreign assistance was used as the basis for analysis. This breakdown is also tied to major foreign aid funding accounts in the five categories described in Table 1.

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<sup>235</sup> Brainard, “U.S. Foreign Assistance,” 2.

<sup>236</sup> Nina M. Serafino. *Security Assistance Reform: “Section 1206”: Background and Issues for Congress* (CRS Report No. RS22855) (Washington, DC: Congressional Research Service, 2014), 3, <https://www.fas.org/sgp/crs/natsec/RS22855.pdf>.

<sup>237</sup> Serafino, *Security Assistance Reform*, 4.

<sup>238</sup> Tarnoff and Lawson, *Foreign Aid*, 3.

<sup>239</sup> *Ibid.*, 1.



Table 1. Major Categories of U.S. Foreign Assistance

Funding Account	Description of Activities
Bilateral Development Assistance	Development assistance programs that are designed to chiefly foster sustainable - broad based economic progress and social stability in developing countries. Used for long term projects in the areas of economic reform and private sector development, democracy promotion, environmental protection, population control, improvement of human health.
Multilateral Development Assistance	Finance multilateral development projects implemented by international organizations such as the United Nation's Children's fund (UNICEF) and the United Nations Development Program (UNDP), and by multilateral development banks (MDBs) such as the World Bank.
Humanitarian Assistance	Devoted to the immediate alleviation of humanitarian emergencies. Funded under the Migration and Refugee Assistance (MRA) and Emergency Refugee and Migration Assistance (ERMA) accounts aimed at address the needs of refugees and internally displaced persons. This funding account also accounts for Food assistance, generically referred to as P.L. 480 or the Food for Peace program, which provides U.S. agricultural commodities to developing countries.
Civilian Security Assistance	Aimed at global concerns that are considered threats to U.S. security and well-being - terrorism, illicit narcotics, crime, and weapons proliferation. Aid programs that provide a range of law enforcement activities, training, and equipment. The international Narcotics and Law Enforcement (INCLE) account and the Nonproliferation, Anti-terrorism, Demining, and Related Programs (NADR) account are a part of this category. Anti-terrorism programs including detecting and dismantling terrorist financial networks, establishing watchlist systems at border controls, and building developing country anti-terrorism capacities are a part of this account as well as nonproliferation efforts to support the International Atomic Energy Agency and building capacity to detect and interdict transfer of weapons and deliver systems over borders.
Military Assistance	The U.S. military provides military assistance to U.S. friends and allies to help them acquire U.S. military equipment and training. There are three main programs administered by DOS but implemented by DOD. These are the Foreign Military Financing (FMF) program that is a grant program that enables government to receive equipment from the U.S. government or access equipment directly through U.S. commercial channels. Most FMS grants support the security needs of Israel and Egypt. The International Military and Education Training (IMET) program offers military training on a grant basis to foreign military officers and personnel. Peacekeeping funds also come from the State Department to support voluntary non-UN operations as well as training for an African crisis response force.

Adapted from Curt Tarnoff and Marian Leonardo Lawson, *Foreign Aid: An Introductory Overview of U.S. Programs and Policy* (CRS Report No. R40213) (Washington, DC: Congressional Research Service, February 2011), 7–8, <https://www.fas.org/sfp/crs/row/R40213.pdf>.

## **B. FINDINGS**

The primary goal of this research was to determine if DHS should leverage international and foreign assistance programs within its strategy to secure the global transportation system inbound to the United States. In order to do this, this research tackled additional questions to lay the foundation for a policy analysis. These questions were necessary to enumerate what programs DHS has in place, understand their scope and objectives as stated by the agencies themselves, and illuminate how these programs and activities are conducted in terms of resources and statutory authorities. The policy analysis model utilized DHS programs and activities as data and examined their stated agency purposes and objectives against one U.S. foreign assistance model for comparison. For the detailed methodology and crosswalk, see Appendix D. This analysis revealed a multitude of findings.

First and foremost, this research substantiated that DHS implements numerous programs across its component agencies both under statutory authority and under a traditional foreign assistance framework. Approximately 30 percent of the international transportation security programs employed by DHS have attributes that could be characterized as foreign assistance activities and the majority of these programs could be defined as civilian security assistance (see Table 2). At the same time, while the data demonstrated a relationship between DHS programs and foreign assistance, this in-depth review of programs and their objectives was unable to draw a specific connection with DOS or USAID funding or coordination. With the exception of a portion of TSA's equipment loan program funded by DOS/USAID and the USCG's FMS programs, it is not clear from this research exactly how other programs across DHS are coordinated with the DOS.<sup>240</sup>

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<sup>240</sup> See Appendix B. Only the TSA Equipment Loan Program can be attributed through Department of State funding mechanisms and coordination.

Table 2. DHS Findings

Agency	# of Programs Reviewed	# of Programs with Foreign Assistance Attributes	Foreign Assistance Category
CBP	11	3	Civilian Security Assistance
TSA	13	5	Civilian Security Assistance
USCG	6	2	Civilian/Military Security Assistance
<b>Total DHS</b>	<b>30</b>	<b>10</b>	<b>30% Civilian Security Assistance</b>

This lack of connection could be evidence that agencies are conducting activities outside of the traditional foreign assistance framework through direct appropriations or other funding streams. In turn, this could be due to poor information sharing or the overly burdensome bureaucracy associated with DOS and USAID, demonstrated by the patchwork of legislative acts and the disjointed evolutionary process. Navigating funding streams and objectives in addition to the restrictions contained within the legislation can cause agencies to avoid operating within this structure. It may also be due to a simple lack of available data. Either way, the confusion, funding, and agency responsibilities associated with a complex regulatory framework present challenges for DHS to operate internationally.

Foreign assistance makes up only a small portion of the overall programs and activities in which DHS engages within the international environment. The larger portion of the DHS international footprint is spent on compliance and enforcement operations and international engagement and outreach—both bilaterally and multilaterally with foreign government partners as well as industry stakeholders—as well as on writing and implementing policies for stakeholders and conducting training programs as “capacity development.” Although limited by statutory authority to do so, each agency engages within programs that could be characterized as training and technical assistance—if not by the agencies’ own categorizations, then by their characterization of offerings of training

and assistance programs in their specific areas of expertise (for example, TSA’s array of aviation security training and CBP’s over 100 training program on border control and operations).<sup>241</sup>

Another finding is that each agency within this research utilizes the terminology “capacity building” for partner nations as a stated objective or goal of respective programs and activities. It is unclear, however, what DHS or each agency means by the term or how their programs are structured, planned, implemented, and monitored for longer-term sustainment, as is well as evidenced in DOD’s partner capacity building model.

Lastly, it is clear that DHS internally does not have a strategy or a common model within for defining the functions for international programs and activities. Without a cohesive strategy, DHS encounters challenges when operating in the international arena, both with external partners and foreign government counterparts, but also within the USG framework. Between 2011 and 2012, DHS conducted a comprehensive review of its international resources footprint, but it still lacks priorities across its agencies, does not monitor or evaluate its programs, and fails to track program cost data for analysis.<sup>242</sup> The critical areas of commonality within DHS can be leveraged to better understand and structure the international dimension of DHS both for internal and external purposes.

### **C. CONCLUSIONS, RECOMMENDATIONS, AND FUTURE RESEARCH**

This research concludes that, due to the scope, reach, and importance of the international transportation network, DHS should continue to leverage its international programs and activities as strategic tools to secure the nation’s transportation system. While this conclusion is supported by the fact that, historically, U.S. engagement while can impact security outcomes, it is clear that improvements both within DHS as well as the overall U.S. foreign assistance framework is needed. DHS needs to improve its program management, evaluation, and overall implementation of international programs and activities. Across the USG, if there is to be any focus on security effectiveness, DHS,

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<sup>241</sup> DHS OIG, *Management of Department of Homeland Security*.

<sup>242</sup> Gambler, *Border Security*, 5–6.

DOS, and DOD need to coordinate more effectively to diminish redundancies and confusion for international partners as well as establish a framework that fully integrates the security capabilities of agencies across the spectrum. In a time of perpetual threat from terrorist actors and diminishing budgets, deploying programs without better planning, administration, and evaluation is activity without action and impact.

Although many scholars, researchers, and practitioners note DHS' limitations in the international environment due to the need to operate within the traditional U.S. foreign assistance framework, this research also concludes that a foreign assistance framework was minimally useful as a methodology of analysis and that DHS operates with more frequency within the international environment through direct appropriations and statutory authorities. The relationship between foreign assistance activities and DHS' international footprint is not proportional to the level of attention that it receives in the scholarly literature. Therefore, this research concludes the U.S. foreign assistance framework is not sufficiently beneficial to model or conceive DHS' international dimension and that instead consideration should be given to DHS as a fully operational entity within the international institutions within the USG.

Due to these findings and conclusions, this thesis suggests multiple recommendations and opportunities for further research as actions for DHS and the USG build increased international security capabilities.

## **1. Proposed Model**

DHS lacks a clear operating framework and model for understanding its international role and capabilities, which translates to a lack of a strategy, causing disruptions and challenges internally and externally. While each agency within the department categorizes its international programs and activities differently, pursuing their own operational model, there are, in fact, commonalities uncovered within this research. These commonalities can serve as the basis of an operational model to further DHS' international efforts directly, as well as support better alignment across the USG. These commonalities are characterized as operational, policy, outreach and engagement, and training and technical assistance.

The term operational is defined as a program required by congressional statute or requiring a specific security requirement to be carried out by CBP, TSA, and USCG personnel. The term policy defines a program that requires the commercial industry or a country to carry out certain measures in order to meet U.S. standards (which are written and set by DHS and its agencies). Outreach and engagement is defined as activities related to bilateral discussions, information sharing, and working with multilateral organizations or industry partners. Training and technical assistance describes activities that deliver training curriculum within a certain subject-matter area related to transportation security or providing equipment or loans for equipment, alongside training or maintenance or funding for that equipment.

The chart in Figure 5 is a representation of DHS' international program activities as researched within this thesis and as outlined in Appendix D. It not only represents each type of program within the agencies, but also the overlap and convergence of programs across TSA, CBP, and USCG. The small triangular area represents training and technical assistance activities deployed by DHS. This area is called out, but still demonstrates overlap between agencies, because this is the area where DHS is significantly constrained by the lack of statutory authority to conduct efforts without working through DoS.

Figure 5. DHS International Programs Model



Using this model, DHS and its component agencies can work to establish a strategy for international engagement and assistance. This model serves as a baseline for understanding international operations and working internally with more information to determine redundancies, costs, priorities, agency capabilities, scopes, and missions. This model also simplifies DHS' complex international footprint and can support DHS' efforts to pursue the additional recommendations outlined.

## **2. Lobby Congress for Direct Funding**

DHS should be fully integrated into the USG international security and foreign assistance apparatus. A first step towards this goal includes working within DHS to request direct funding from Congress to conduct international programs and activities. Given the scope of programs within and outside of its direct statutory authorities and the minimal relationship between DHS and the DOS foreign assistance framework, the department should seek authorization for direct funding for all of its international

programs. DHS has this specific subject-matter expertise in transportation security, therefore changes to the legislative framework and operating structure of the USG should be considered to further streamline DHS' ability to operate internationally and capitalized on its security capabilities.

Legislation similar to DOD's request for 1206 reform would help DHS respond faster to crisis situations—with less DOS oversight, DHS could more efficiently deploy personnel and equipment. Direct appropriations for funding international programs and activities can also decrease the knowledge gap about assistance activities or the need to navigate around associated DOS requirements. The recommended model can provide DHS with a common platform for programs in order to request funding.

### **3. Opportunities for Additional Research**

Opportunities for additional research can also build off the basic model recommended in Figure 5 while revealing a more detailed understanding of DHS programs and activities. More programmatic detail will inform DHS and Congress on the effectiveness and efficiency of DHS' international transportation security programs and better identify areas where redundancy and overlap between agencies is present. Additional research can also improve DHS' management of international activities and inform the discussion on the convergence of homeland and national security across the USG, supporting efforts to define better tools, strategies, and programs to deter and mitigate the current and future terrorist threats to the United States.

The first area for additional research should focus on specific programs and their implementation, management, and methods of monitoring and evaluation. Monitoring and evaluation can serve multiple groups from “host country citizens and institutions to U.S. decision makers”<sup>243</sup> and support determinations of program efficiency and effectiveness. Monitoring, evaluation, and assessment can also identify programs that are

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<sup>243</sup> Richard Blue, Cynthia Clapp-Wincek, and Holly Benner, “Beyond Success Stories: Monitoring & Evaluation for Foreign Assistance Results,” *Monitoring and Evaluation News*, May 2009, ii, <http://mande.co.uk/2009/uncategorized/beyond-success-stories-monitoring-evaluation-for-foreign-assistance-results/>.



no longer necessary, freeing up resources and opportunities to focus on areas of true need within the international transportation security environment.

The discipline of systems dynamics and systems theory as a way of modeling and testing the impact and outcomes of DHS' international transportation security program and activities is an additional area of research for which this thesis has provided a simple foundation. By establishing a common operational model for DHS within this sphere, DHS can now bring together TSA, CBP, and USCG to develop an approach for deploying its capabilities toward the global transportation network as a complex system. Systems theory contends that systems are sets of things that are "interconnected in such a way that they produce their own pattern of behavior over time."<sup>244</sup> Due to this ability to produce their own behavior, systems also change their behavior organically to outside forces, manifested in feedback loops.<sup>245</sup> A lack of understanding of these feedback loops results in adverse reaction within the system.<sup>246</sup>

Policies and programs developed and implemented by DHS agencies are outside forces with the global transportation system. Implemented without consideration of the system as a system, they aggravate and impact the systems behavior. Programs implemented independently as single agencies further increases that impact and can cause system disruptions. Systems theory has been applied to a variety of disciplines from population growth to depletion of natural resources and has demonstrated the positive impacts of modeling and understanding feedback looks to result in positive programs and outcomes.<sup>247</sup> Research into its application for DHS can yield similar benefits for homeland security.

Lastly, as each agency uses the term "capacity development" differently—and given the USG's push in the foreign assistance dimension to "build partner capacity"—more research into DHS' programs that focus on capacity development would help

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<sup>244</sup> Donella H., Meadows and Diana Wright, *Thinking in Systems: A Primer* (White River Junction, VT: Chelsea Green, 2008), 2.

<sup>245</sup> Meadows and Wright, *Thinking in Systems*, 17–23.

<sup>246</sup> Jay W. Forrester, "Counterintuitive Behavior of Social Systems," *Constitution.org*, March 1995, 5, <http://constitution.org/ps/cbss.pdf>.

<sup>247</sup> Forrester, "Counterintuitive Behavior," 53.

determine the effectiveness of this work. Research exists in the area of development assistance—as well as within the DOD—that could be used to analyze DHS’ capacity development programs. However, this requires additional detail to be available via open-source materials, or from other research methods used to gain more information from DHS agencies.

#### **D. LIMITATIONS**

This research focused on open-source materials to determine information on DHS’ international transportation security programs, which limits this research to agency-published documents, reports, and the work of authors and scholars, which often lacked detail on program costs, program objectives, performance measures, planning cycles, and program life cycles. Without additional detail, this research was unable to look deeper into program components and requirements in order to identify efficiencies, redundancies, and effectiveness.

Additionally, program analyses were subjected to the researcher’s bias in an attempt to correlate the stated purposes of the programs with types of foreign assistance activities found within the U.S. foreign assistance framework. This is most recognizable within the categorization of how specific agencies structure their international programs and activities. For example, while it was discoverable that TSA considers its international training activities to be “capacity development,” this research was not able to determine how CBP characterizes its training programs.

Depending on how these items are funded, they can be at the appropriations level or account level; without further research, it is difficult to determine how funding works.<sup>248</sup> Where available, general cost projections were provided. This is also due to the lack of detailed program data in open-source information.

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<sup>248</sup> Caldwell, *Maritime Security*, 3.

## **E. CONCLUSION**

The purpose of this research was to determine if DHS should pursue international programs and activities in its mission to secure the global transportation system. This was done through researching DHS' international transportation security programs and activities in three biggest transportation security agencies (TSA, CBP, and USCG), and how these programs or actives are implemented (i.e., by what legal and statutory authority), and for what purpose (i.e., stated program objectives).

While this research focused simply on building knowledge about DHS' operations and security capabilities in the international environment, it provided a sound basis for additional research and recommendations that could impact not only DHS and its component agencies, but also the national security framework and institutions of the USG as a whole. These points of intervention outlined above include; developing a comprehensive strategy across DHS based on a simple operational model; lobbying Congress for direct funding of DHS' international programs and activities; establishing program management, monitoring and evaluation practices; applying systems theory as a basis for analyzing the international transportation system; and reviewing models of capacity development including DOD examples as a way of furthering its own capacity development efforts.

As DHS and the homeland security enterprise continue to debate their organization and develop strategies to mitigate and deter threats, they cannot do so without considering the research presented within this thesis along with its recommendations for improvement and further research. Additionally, this thesis contributes to the discussion of DHS within the national security framework illustrating the reach of DHS' international footprint in transportation security.

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## APPENDIX A. CBP AGENCY PROGRAMS

Program	Description/State Agency Objectives and Goals
<b>Preclearance</b>	Travelers and their goods are inspected for U.S. customs requirements the same as they would at the U.S. Port of Entry by CBP Officers. The same immigration, customs, and agricultural inspections of international air passengers performed at foreign airports. There are currently 15 foreign airports in six different countries that are also preclearance sites. <sup>249</sup> Airports must meet TSA aviation security standards through an assessment process before operations begin. <sup>250</sup>
<b>Container Security Initiative (CSI)</b>	The CSI is a bilateral partnership initiative through which CBP positions uniformed customs officers at foreign seaports in order to identify shipments bound for the United States that are considered high risk containers. <sup>251</sup>
<b>Immigration Advisory Program (IAP)</b>	Through the Immigration Advisory Program (IAP), CBP officers in plain clothes assist with identifying high risk passengers. They also train and assist commercial air carriers and host country counterparts in how to identify high risk passengers as well as share information on immigration practices to enhance international partnerships. <sup>252</sup> Training focuses on how to interview and observe passengers in addition to using the proper and most up to date document review procedures. <sup>253</sup>
<b>Secure Freight Initiative (SFI)</b>	SFI was a requirement in appropriations by Congress charging DHS and CBP in 2007 with implementing a pilot at foreign ports through which all U.S. bound containers undergo radiation screening and internal imaging scans that are remotely reviewed analysts remotely for potential threats. <sup>254</sup> Logistical and technological challenges such as who will continue to pay for maintenance and operation of the port security technologies has led this program to reduce from six ports to one. <sup>255</sup> Under SFI, CBP and DOE provide the equipment to the terminal operators with the non-intrusive detection technology at the foreign port, while CBP officers, stationed in the United States review all of the data on containers as well as their NII images

<sup>249</sup> “CBP Preclearance,” CBP.

<sup>250</sup> Preclearance Authorization Act of 2015, H.R. 998, Sec. 3 (2015).

<sup>251</sup> CBP, *Container Security Initiative* (Washington, DC: CBP, May 2011), 1, [https://www.cbp.gov/sites/default/files/documents/csi\\_brochure\\_2011\\_3.pdf](https://www.cbp.gov/sites/default/files/documents/csi_brochure_2011_3.pdf).

<sup>252</sup> “Immigration Advisory Program (IAP): Fact Sheet,” CBP, May 2013, [https://www.cbp.gov/sites/default/files/documents/immig\\_advis\\_prog\\_2.pdf](https://www.cbp.gov/sites/default/files/documents/immig_advis_prog_2.pdf).

<sup>253</sup> “Immigration Advisory Program,” CBP.

<sup>254</sup> Caldwell, *Supply Chain Security*, 46.

<sup>255</sup> Lord, *Aviation Security*, 17.

Program	Description/State Agency Objectives and Goals
	to make determination as whether the container and its contents need to be screened further. <sup>256</sup>
<b>C-TPAT</b>	There are currently over 10,000 industry partners who are certified members of the CBP Customs - Trade Partnership Against Terrorism (C-TPAT), which establishes specific supply chain security criteria that partners must follow in return for benefits like expedited customs processing at the port of entry (POE). Supply chain security that industry partners must following include facility, personnel, and access controls. <sup>257</sup>
<b>Importer Security Filing</b>	Under this rule, cargo arriving by containership must electronically submit certain advance cargo information in the form of an security filing. This includes; seller, buy, importer of record number, consolidator, stuffing locations, commodity number, ship to party, etc. <sup>258</sup> This information is required 24 hours before a shipment is loaded on a vessel bound for the United States and is used to make risk based decision on containership contents.
<b>Customs Mutual Assistance Agreements (CMAA)</b>	“Agreements that allow for the exchange of information, intelligence, and documents that will ultimately assist countries in the prevention and investigation of customs offenses. The agreements are particularly helpful for U.S. Attaché offices, as each agreement is tailored to the capacities and national policy of an individual country’s customs administration. CBP currently has 53 signed CMAAs with various nations.” <sup>259</sup>
<b>CBP Attaches</b>	“CBP operates Attaché Offices in 21 countries around the world. Attachés are posted in U.S. Embassies and Consulates and serve as the Chief of Mission’s Customs and Border Protection in-house specialists where they inform and advise the U.S. Ambassador or Consul General on CBP programs and capabilities. CBP Attachés support and oversee all CBP programs in their area of responsibility. Additionally, they seek to educate stakeholders about CBP’s international programs such as: the Container Security Initiative; the Immigration Advisory Program; the Customs-Trade Partnership Against Terrorism, and; various capacity building programs.” <sup>260</sup>

<sup>256</sup> Caldwell, *Supply Chain Security*, 46.

<sup>257</sup> “C-TPAT: Customs-Trade Partnership against Terrorism,” CBP, accessed February 27, 2016, <http://www.cbp.gov/border-security/ports-entry/cargo-security/c-tpat-customs-trade-partnership-against-terrorism>.

<sup>258</sup> CBP, *Importer Security Filing and Additional Carrier Requirements* (Washington, DC: CBP, August 2009), 2, [https://www.cbp.gov/sites/default/files/documents/import\\_sf\\_carry\\_3.pdf](https://www.cbp.gov/sites/default/files/documents/import_sf_carry_3.pdf).

<sup>259</sup> “Customs Mutual Assistance Agreements (CMAA),” CBP, accessed February 27, 2016, <http://www.cbp.gov/border-security/international-initiatives/international-agreements/cmaa>.

<sup>260</sup> “CBP Attaches,” CBP, accessed February 27, 2016, <http://www.cbp.gov/border-security/international-initiatives/cbp-attaches>.

Program	Description/State Agency Objectives and Goals
<b>Mutual Recognition Agreements</b>	<p>“Mutual Recognition refers to those activities associated with the signing of a document between U.S. Customs and Border Protection (CBP) and a foreign Customs Administration that provides the platform for the exchange of membership information and recognizes the compatibility of each other’s supply chain security program. The document, referred to as an “arrangement,” indicates that the security requirements or standards of the foreign industry partnership program, as well as its verification procedures, are the same or similar with those of the Customs-Trade Partnership Against Terrorism (C-TPAT) program. Mutual Recognition Arrangements (MRA), therefore, are bilateral understandings between two Customs Administrations.”<sup>261</sup></p> <p>CBP has signed ten MRAs with New Zealand, Canada, Jordan, Japan, Korea, European Union, Taiwan, Israel, Singapore, Mexico.<sup>262</sup></p>
<b>World Customs Organization</b>	<p>CBP is the lead U.S. agency engaged with the World Customs Organization (WCO), and is responsible for developing security standards and regulations for implementation globally. CBP represents U.S. positions on Customs matters and as a part of these activities, CBP is integral in the “drafting and approval of best practices, guidelines and standards relating to international customs issues. In addition, CBP provides unparalleled training and technical assistance to the WCO in the development and delivery of its international capacity building programs.”<sup>263</sup></p>
<b>International Training and Assistance</b>	<p>“U.S. Customs and Border Protection (CBP) provides a wide array of short-term and long-term technical training and assistance to host nations Customs and Border security agencies. Based on CBP’s expertise as the front-line border security agency for the United States, these programs are designed to build the capacity of foreign law enforcement agencies to implement more effective customs operations, border policing, and immigration inspections. CBP coordinates and presents over 100 training programs to thousands of foreign participants each year. Training and assistance programs target the full range of border control and operations, including: weapons of mass effect (WME) training, anti-narcotics, port security, integrity, and commercial operations.”<sup>264</sup></p>

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<sup>261</sup> “C-TPAT,” CBP

<sup>262</sup> Ibid.

<sup>263</sup> “World Customs Organization Overview,” CBP, accessed February 27, 2016, <http://www.cbp.gov/border-security/international-initiatives/wco>.

<sup>264</sup> “International Training and Assistance,” CBP, accessed February 27, 2016, <http://www.cbp.gov/border-security/international-initiatives/international-training-assistance>.

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## APPENDIX B. TSA INTERNATIONAL PROGRAMS

Program	Description/State Agency Objectives and Goals
<b>Foreign Airport Assessment Program (FAAP)</b>	FAAP airport visits “assess the effectiveness of security measures at foreign airports served by a U.S. air carrier, from which a foreign air carrier serves the U.S. that pose a high risk of introducing danger to international air travel, and at other foreign airports deemed appropriate by the Secretary of Homeland Security.” <sup>265</sup>
<b>Foreign Air Carrier and U.S. Aircraft Operator Assessments</b>	Conduct inspections of U.S. air carriers and foreign air carriers that travel to the U.S. from foreign airports to ensure that they meet the security requirements in the respective TSA-approved security program. <sup>266</sup>
<b>Federal Air Marshall Law Enforcement Training</b>	TSA’s Federal Air Marshals Service training to foreign law enforcement personnel is required by the 2004 <i>Intelligence Reform and Terrorism Prevention Act</i> . <sup>267</sup>
<b>National Cargo Security Program (NCSP)</b>	TSA conducts reviews of foreign nation’s air cargo screening and security requirements “to determine whether their programs provide a level of security commensurate with the level of security provided by existing U.S. air cargo security programs.” <sup>268</sup> Countries that are assessed to have commensurate security requirements recognized under NCSP and therefore no additional screening measures outside of the host countries’ are required to be conducted for cargo traveling to the U.S. Currently, TSA has NCSP recognition agreements with all 28 European Union Member States as well as Australia, Canada, Ireland, Israel, Japan, Republic of Korea, New Zealand, South Africa, Switzerland. <sup>269</sup>
<b>Aviation Security Sustainable International Standards Team (ASSIST)</b>	ASSIST “provides comprehensive technical assistance to countries with demonstrated difficulty in satisfying the security Standards and appropriate Recommended Practices established by ICAO. The ASSIST program addresses the self-identified civil aviation security needs of the host nation by aiding the establishment of sustainable institutions and practices through aviation security training, technical assistance and overall security assessments.” <sup>270</sup>

<sup>265</sup> Lord, *Aviation Security*, 4.

<sup>266</sup> *Ibid.*, 8.

<sup>267</sup> DHS OIG, *Management of Department of Homeland Security*, 7–8.

<sup>268</sup> “DHS’ Progress in 2011: Strengthening International Partnerships,” DHS, last modified July 13, 2015, <http://www.dhs.gov/dhs-progress-2011-strengthening-international-partnerships>.

<sup>269</sup> Hicki-Talarek, “The TSA Perspective on Airport Security,” 9.

<sup>270</sup> *Strengthening International Cooperation on Aviation Security* (statement of John W. Halinski).

<b>Program</b>	<b>Description/State Agency Objectives and Goals</b>
<b>Aviation Training &amp; Technical Assistance</b>	To mitigate risk by helping partner nations build sustainable aviation security practices, TSA provides aviation security training to foreign partners in courses from “screener supervisory skills, preventative security measures, crisis management, basic security, cargo security inspections, and train-the-trainer programs.” <sup>271</sup>
<b>Equipment Loan Program</b>	Funded by Department of State under the Anti-Terrorism Assistance Program (ATA) TSA has provided equipment loans to Malta, Aruba, Bahamas, Bermuda, Haiti, Ireland, Kenya. After the events of October 2010, TSA provided Explosives Trace Detection (ETD) hand held to Yemen. <sup>272</sup>
<b>TSA Security Programs</b>	TSA requires that each air carriers adopt and follow a TSA approved security program for passenger and non-passenger operations. U.S. Air Carriers are subjected to the requirements of the Aircraft Operator Standard Security Program (SSP) and foreign air carriers are subjected to the requirements of the Model Security Program (MSP). <sup>273</sup>
<b>Air Cargo Advance Screening (ACAS) Pilot Program</b>	In coordination with CBP, obtain manifest and shipment information for cargo destined on inbound passenger and all-cargo flights. <sup>274</sup>
<b>Rapid Response Team</b>	Oversee all international critical incident management activities to get into a region in crisis quickly and mitigate security vulnerabilities in support of TSA’s mission. The Rapid Response Team responded to the earthquake and tsunami in Japan (2011) and the Haiti Earthquake (2010). <sup>275</sup>
<b>TSA Area Representatives (TSARs)</b>	Work with governments in foreign countries to develop effective and complimentary transportation security measures and to support immediate implementation of enhanced security measures as necessary. <sup>276</sup>
<b>Industry Associations Outreach</b>	TSA conducts outreach and engagement activities with the aviation industry, particularly air carriers and aviation stakeholders such as the International Air Transportation Association (IATA), Air Transport

<sup>271</sup> “Testimony on Examining TSA’s Global Efforts to Protect the Homeland from Aviation Threats and Enhance Security at Last Point of Departure Airports,” TSA, December 8, 2015, <https://www.tsa.gov/news/testimony/2015/12/08/testimony-hearing-%E2%80%9CExamining-tsas-global-efforts-protect-homeland>.

<sup>272</sup> Lord, *Aviation Security*, 21.

<sup>273</sup> Ibid., 9.

<sup>274</sup> *Strengthening International Cooperation on Aviation Security* (statement of John W. Halinski).

<sup>275</sup> Ibid.

<sup>276</sup> Lord, *Aviation Security*, 6.

Program	Description/State Agency Objectives and Goals
	Association (ATA), American Association of Airport Executives, Airports Council International (ACI), and the European Civil Aviation Conference (ECAC). <sup>277</sup>
<b>U.N. International Civil Aviation Organization (ICAO)</b>	ICAO “sets standards and regulations necessary for aviation safety, security, efficiency and regularity, as well as for aviation environmental protection. ICAO also serves as a clearinghouse for cooperation and discussion on civil aviation issues among its 191 member-states.” <sup>278</sup> TSA assesses airport security standards through ICAO. Additionally, through these relationships, TSA is able to better understand a partner’s security capabilities and exchange best practices. <sup>279</sup>

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<sup>277</sup> Daly, “Panel Discussion: International Harmonization,” 11.

<sup>278</sup> “About Us,” International Civil Aviation Organization, accessed February 27, 2016, <http://icao.usmission.gov/about-us.html>.

<sup>279</sup> *Strengthening International Cooperation on Aviation Security* (statement of John W. Halinski).

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## APPENDIX C. USCG PROGRAMS

Program	Description/State Agency Objectives and Goals
<b>International Port Security Program (IPSP)</b>	The “U.S. Coast Guard’s International Port Security (IPS) Program was established in 2003 to reinforce implementation of the ISPS Code as part of the U.S. Maritime Transportation Security Act (MTSA). Through the assessment of ISPS Code implementation and other anti-terrorism security measures in foreign ports and through bilateral discussions to share and align port security practices, the Coast Guard IPS Program seeks to reduce risks to U.S. ports and ships, and to the entire maritime transport system.” <sup>280</sup>
<b>International Training</b>	“Each year Coast Guard training and technical assistance teams train approximately 2,500 international students in approximately 60 countries. Training is available in all Coast Guard mission areas and can also be tailored to host nation needs. The Coast Guard can deliver a complete package of training to small groups, multi-agency audiences, or several nations in a regional forum. Instructors often utilize lesson plans in the host nation’s language for infusion into the host nation’s training program.” <sup>281</sup>
<b>Foreign Military Sales</b>	“The Coast Guard Foreign Military Sales program helps many nations strengthen their maritime services by providing equipment and support services. The Coast Guard provides both excess and new-construction vessels to clients selected by the United States government. In addition to cutters and boats, the Coast Guard provides clients with access to the most modern Search and Rescue planning tools and equipment. The Coast Guard provides industrial overhaul of aircraft and shipboard components. The Coast Guard receives full reimbursement for these articles and services.” <sup>282</sup>
<b>International Maritime Organization (IMO)</b>	“The International Maritime Organization (IMO) is a specialized agency of the United Nations with the responsibility to develop and maintain a comprehensive regulatory framework for worldwide shipping. The result is a comprehensive body of international conventions, supported by hundreds of recommendations governing every facet of shipping including safety, environmental concerns, legal matters, technical co-operation, maritime security and the efficiency of shipping...The U.S. Coast Guard has been a key participant at the IMO for all policy

<sup>280</sup> “International Port Security Program,” USCG.

<sup>281</sup> “Mobile Training Teams,” USCG, last modified January 12, 2016, [http://www.uscg.mil/international/trning\\_mob.asp/](http://www.uscg.mil/international/trning_mob.asp/).

<sup>282</sup> “Acquiring Assets through Foreign Military Sales,” USCG.

Program	Description/State Agency Objectives and Goals
	development since the IMO Convention entered into force 50 years ago. Numerous U.S. Coast Guard Headquarters personnel take the lead in addressing international maritime issues and are assisted by various government and industry advisors.” <sup>283</sup>
<b>International Port Security Liaison Officers (IPSLO)</b>	“The IPSLOs in U.S. Coast Guard Activities Far East engage with 47 partner nations and territories in the regions of East Asia, Southeast Asia, South Asia, Eurasia, Pacific and Africa.” <sup>284</sup>

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<sup>283</sup> “USCG IMO Homepage,” USCG.

<sup>284</sup> “United Information for Coast Guard Personnel,” USCG, last modified April 1, 2015, <http://www.uscg.mil/acteur/uscg.asp>.

## **APPENDIX D. COMPREHENSIVE ANALYSIS: ALL DHS PROGRAMS**

The methodology used for this research was a policy analysis model that reviewed the international programs, their stated agency objectives, and the associated legal authorities for DHS' role within the international environment. Where this information was not available or discoverable through open sources, the program was characterized with an "unknown."

As a model for comparison—and due to the relationship between foreign assistance and DHS' international footprint—the international programs and activities conducted by DHS and its component agencies were then analyzed side-by-side with the five major funding categories used by the DOS to fund foreign assistance activities. This analysis was based on the stated agency purpose behind the program or activity compared to the attributes outlined in the definition of each assistance category.

While some relationship between civilian security assistance was determined through this side-by-side review, stronger relationships were prevalent between TSA, CBP, and USCG. These similarities were uncovered through evaluation of each program's stated objectives and background information discovered within this research. Therefore, as a recommendation, an additional framework was developed in order to define these similarities, based on the definitions presented in Table 3.

Table 3. DHS International Transportation Programs and Activities

Agency	Program	Agency Category	Statutory Authority	Foreign Assistance Definition	Research Model
<b>CBP</b>					
	Preclearance	Enforcement	Preclearance Authorization Act	None	Operations
	Container Security Initiative	Unknown	SAFE Port Act of 2006	None	Operations
	Immigration Advisory Program (IAP)	Unknown	Unknown	Civilian Security Assistance	Training & Technical Assistance
	Secure Freight Initiative	Unknown	SAFE Port Act of 2006	None	Operations
	C-TPAT	Unknown	SAFE Port Act of 2006	None	Operations
	Importer Security Filing	Policy	73 FR 71730	None	Policy
	Customs Mutual Assistance Agreements (CMAA)		Unknown	Civilian Security Assistance	Policy
	CBP Attaches.	International Initiatives	Unknown	None	Outreach & Engagement
	Mutual Recognition Agreements	Bilateral Engagement	Unknown	None	Outreach & Engagement
	World Customs Organization	Multilateral Engagement	Unknown	None	Outreach & Engagement
	International Training and Assistance	Training and Technical Assistance	SAFE Port Act of 2006	Civilian Security Assistance	Training & Technical Assistance
<b>TSA</b>					
	Foreign Airport Assessment Program (FAAP)	Compliance	49 USC § 44907	None	Operations
	Foreign Air Carrier and U.S. Aircraft Operator Assessments	Compliance	USC § 44906 and USC § 44916	None	Operations
	Federal Air Marshall Law Enforcement Training	Unknown	2004 Intelligence Reform and Terrorist	Civilian Security Assistance	Training & Technical Assistance



<b>Agency</b>	<b>Program</b>	<b>Agency Category</b>	<b>Statutory Authority</b>	<b>Foreign Assistance Definition</b>	<b>Research Model</b>
			Prevention Act 49 USC § 4018, 7210 (d) , 44917		
	National Cargo Security Program (NCSP)	Bilateral Engagement	Unknown	None	Policy
	ASSIST	Capacity Development	Unknown	Civilian Security Assistance	Training & Technical Assistance
	Aviation Training & Technical Assistance	Capacity Development	Unknown	Civilian Security Assistance	Training & Technical Assistance
	Equipment Loan Program	Capacity Development	Department of State's Antiterrorism Assistance (ATA) Program Organization of American States Inter-American Committee Against Terrorism	Civilian Security Assistance	Training & Technical Assistance
	TSA Security Programs	Policy	49 C.F.R pt. 1544–1546	None	Policy
	Air Cargo Advance Screening (ACAS) Pilot Program	Unknown	Unknown	None	Operations
	Rapid Response Team	Unknown	Unknown	Civilian Security Assistance	Training & Technical Assistance
	TSA Area Representatives (TSARs)	Outreach and Engagement	49 U.S.C § 44934	None	Outreach and Engagement
	Industry Associations Outreach	Outreach and Engagement	Unknown	None	Outreach and Engagement
	U.N. International Civil Aviation Organization (ICAO)	Outreach and Engagement	Unknown	None	Outreach and Engagement

<b>Agency</b>	<b>Program</b>	<b>Agency Category</b>	<b>Statutory Authority</b>	<b>Foreign Assistance Definition</b>	<b>Research Model</b>
<b>USCG</b>					
	International Port Security Program (IPSP)	Enforcement	Maritime Security Act	None	Operations
	International Training	Training	14 USC 149	Civilian Security Assistance/ Military Assistance	Training & Technical Assistance
	Foreign Military Sales	Technical Assistance	Foreign Assistance Act of 1961 As Amended.	Military Assistance	Training & Technical Assistance
	IMO	Unknown	Unknown	None	Outreach & Engagement
	International Port Security Liaison Officers (IPSLO)	Engagement	Maritime Security Act	None	Outreach & Engagement

## APPENDIX E. STATE ASSISTANCE

Table 4. State/USAID Assistance by Objective and Program Area:  
FY 2006–2010

<b>Aid Objectives and Program Areas</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
<b>Peace and Security</b>	<b>7,318.9</b>	<b>8,684.6</b>	<b>7,522.6</b>	<b>9,599.6</b>	<b>10,380.0</b>
Counter-Terrorism	157.0	242.1	188.2	225.0	462.4
Combating WMD	229.9	228.0	253.7	410.9	320.6
Stabilization/Security Sector Reform	5,652.3	6,668.6	5,574.3	6,964.5	7,276.9
Counter-narcotics	1,020.1	1,148.1	1,133.7	1,295.3	1,470.4
Transnational Crime	60.2	51.2	75.6	93.0	100.9
Conflict Mitigation	199.3	346.6	297.1	611.1	748.8
<b>Investing in People</b>	<b>5,421.4</b>	<b>6,659.4</b>	<b>8,573.3</b>	<b>10,286.1</b>	<b>10,929.6</b>
Health	4,594.7	5,705.1	7,243.0	8,224.3	9,014.8
Education	689.8	754.5	928.8	1,057.5	1,254.3
Social Services/Protection of Vulnerable	136.9	199.8	401.4	1,004.3	660.5
<b>Governing Justly &amp; Democratically</b>	<b>1,758.1</b>	<b>2,141.3</b>	<b>2,258.5</b>	<b>2,702.0</b>	<b>3,644.2</b>
Rule of Law & Human Rights	437.5	532.0	612.4	699.3	1,088.5
Good Governance	637.6	763.2	761.9	1,088.4	1,596.8
Political Competition	203.3	305.4	295.2	432.7	312.1
Civil Society	479.8	540.8	593.3	481.7	646.8
<b>Promoting Economic Growth &amp; Prosperity</b>	<b>3,449.2</b>	<b>3,212.2</b>	<b>3,279.0</b>	<b>3,973.8</b>	<b>5,212.8</b>
Macroeconomic Growth	474.1	591.5	590.1	335.9	287.3
Trade & Investment	416.7	331.6	204.1	216.7	264.6
Financial Sector	280.2	176.8	198.2	142.4	125.4
Infrastructure	755.9	723.9	945.8	1,017.3	1,101.0
Agriculture	567.0	538.1	474.3	1,083.1	1,685.8
Private Sector Competitiveness	530.5	385.4	388.1	563.9	670.1
Economic Opportunity	132.7	127.0	155.1	237.3	241.4
Environment	292.1	337.8	324.2	377.1	837.3
<b>Humanitarian Assistance</b>	<b>2,451.7</b>	<b>3,097.4</b>	<b>4,071.8</b>	<b>4,883.9</b>	<b>4,975.8</b>
Protection, Assistance & Solutions	2,294.9	2,963.7	3,888.9	4,658.9	4,483.0
Disaster Readiness	87.3	78.2	125.6	151.1	99.8
Migration Management	69.6	55.5	57.2	74.0	42.0

In millions of current dollars. Figures encompass State and USAID appropriations only, including supplementals and Iraq and Afghanistan programs. Source: Curt Tarnoff and Mariano Leonardo Lawson, *Foreign Aid: An Introductory Overview of U.S. Programs and Policy* (CRS Report No. R40213) (Washington, DC: Congressional Research Service), 5, February 2011, <https://www.fas.org/sgp/crs/row/R40213.pdf>.

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## APPENDIX F. LEGISLATIVE MILESTONES

### Important Benchmarks in Legislative History of Security Assistance Program

<i>Year</i>	<i>Legislative Enactment</i>	<i>Result</i>
1947	Greek-Turkish Aid Bill (P.L. 80-75)	First major commitment of military and economic aid
1948	Marshall Plan (Economic Cooperation Act of 1948) (P.L. 80-472)	Major commitment of economic aid to rebuild Europe
1949	Mutual Defense Act of 1949 (MDAA) (P.L. 81-329)	Creates Military Assistance Program (MAP); creates authority for Foreign Military Cash Sales
1951	Mutual Security Act of 1951 (P.L. 82-165)	Establishes authority for military and economic assistance in one legislative vehicle; establishes basis for Economic Support Fund (ESF) concept
1954	Mutual Security Act of 1954 (P.L. 83-665)	Establishes basis for Foreign Military Credit Sales
1961	Foreign Assistance Act of 1961 (P.L. 87-195)	Makes major consolidation of all prior Security Assistance Programs in new legislative vehicle
1968	Foreign Military Sales Act of 1968 (P.L. 90-629)	Establishes separate legislative authority for Foreign Military Cash and Credit Sales Program
1976	International Security Assistance and Arms Export Control Act of 1976 (P.L. 94-329)	Creates Arms Export Control Act which consolidates existing legislation relating to U.S. arms sales (cash or credit), government and commercial; establishes International Military and Education as separate program from MAP; Mandates phase-out of MAP
1978	International Security Assistance Act of 1978 (P.L. 95-384)	Establishes Economic Support Fund (ESF) as title for program previously known as Security Supporting Assistance, Supporting Assistance and Defense Support
1981	International Security and Development Cooperation Act of 1981 (P.L. 97-113)	Provides authority for a Special Defense Acquisition Fund (SDAF) to facilitate procurement of high demand items in anticipation of foreign military sales to eligible nations

Source: Richard F. Grimmett, "The Role of Security Assistance in Historical Perspective," in *U.S. Security Assistance: The Political Process*, eds. Ernest Graves and Steven A. Hildreth (Lexington, MA: D.C. Heath, 1985), 183.

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